

Union Calendar No. 491

105TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
105-850

REPORT ON THE ACTIVITIES
OF THE
COMMITTEE ON HOUSE OVERSIGHT
OF THE
HOUSE OF REPRESENTATIVES
DURING THE
ONE HUNDRED FIFTH CONGRESS
TOGETHER WITH
MINORITY AND ADDITIONAL VIEWS



JANUARY 2, 1999.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

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LETTER OF SUBMITTAL

JANUARY 2, 1999.

Hon. JEFF TRANDAHL,
Clerk of the House of Representatives,
Washington, D.C.

DEAR JEFF: Pursuant to Clause 1(d) of Rule XI of the Rules of the House of Representatives, I hereby submit to the House a report on the activities of the Committee on House Oversight for the 105th Congress, including the oversight plan for the 105th Congress.

With best wishes,
Sincerely,

BILL THOMAS, *Chairman.*

ESTABLISHMENT OF THE COMMITTEE

The Committee was created on January 4, 1995, and is successor to the Committee on House Administration, which was created on January 2, 1947 as part of the Legislative Reorganization Act of 1946. This Act combined the Committee on Accounts, Enrolled Bills, Disposition of Executive Papers, Printing, Elections, Election of the President, Vice President, and Representatives in Congress, and Memorials. Between January 2, 1947 and January 4, 1995, the jurisdiction of the Committee was amended to include the House Restaurant System, parking facilities, House Beauty Shop, campaign contributions to candidates for the House, resolutions authorizing committees to employ additional professional and clerical personnel, and the Committee shared jurisdiction with the Post Office and Civil Service Committee on matters relating to compensation, retirement and other benefits of Members, officers and employees of Congress.

The Rules of the House of Representatives for the 104th Congress expanded the Committee responsibility for authorizing payment of expenses include all staff salaries for any committee, commission, or other entity (except the Committee on Appropriations) for a Congress. The Committee's jurisdiction was also broadened to include the Franking Commission. Responsibility for erection of monuments to the memory of individuals was transferred to the Committee on Resources.

Upon adoption of the Rules of the House of Representatives for the 105th Congress, the Committee was given sole jurisdiction over, and responsibility for, assigning functions and providing oversight and policy direction to the Chief Administrative Officer of the House. An additional provision was added, clause 4(d)(2) of rule X, which requires joint approval by the chairman and ranking minority member of the Committee concerning the amount of funds to be paid before a House employing office may enter a settlement of a complaint under the Congressional Accountability Act of 1995 (CAA) that provides for such a payment. The CAA assigns to the Committee responsibility for oversight of the Office of Compliance and the Board of Directors of the Office of Compliance (section 301(i) of Public Law 104-1; 2 U.S.C. 1381(i)).

COMMITTEE JURISDICTION

The Committee on House Oversight is a standing committee of the House of Representatives. The powers and duties of the Committee include the statutory responsibilities of the predecessor committee, the Committee on House Administration, as determined primarily by the Legislative Reorganization Acts of 1946 (Public Law 79-601) and 1970 (Public Law 91-510); the House of Representatives Administrative Reform Technical Corrections Act of

1996 (Public Law 104–186), and; the Rules of the House of Representatives adopted on January 7, 1997. The Committee on House Oversight, which consists of 9 members, has jurisdiction and related functions assigned by clauses 1, 2, 3, and 4 of rule X of the Rules of the House of Representatives; and all bills, resolutions, and other matters relating to the following subjects shall be referred to the Committee:

1. Appropriations from accounts for committee salaries and expenses (except for the Committee on Appropriations), House Information Systems, and allowances and expenses of Members, House Officers and administrative offices of the House.
2. Auditing and settling of all accounts described in subparagraph (1).
3. Employment of persons by the House, including clerks for Members and committees, and reporters of debates.
4. Except as provided in Rule X, clause 1(q)(11), matters relating to the Library of Congress and the House Library; statutory and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts.
5. Except as provided in Rule X, clause 1(q)(11), matters relating to the Smithsonian Institution and the incorporation of similar institutions.
6. Expenditures of accounts described in subparagraph (1).
7. Franking Commission.
8. Matters relating to printing and correction of the Congressional Record.
9. Measures relating to accounts of the House generally.
10. Measures relating to assignment of office space for Members and committees.
11. Measures relating to the disposition of useless executive papers.
12. Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.
13. Measures relating to services to the House, including the House Restaurant, parking facilities and administration of the House Office Buildings and the House wing of the Capitol.
14. Measures relating to the travel of Members of the House.
15. Measures relating to the raising, reporting and use of campaign contributions for candidates for office of Representative in the House of Representatives, or Delegate, and of Resident Commissioner to the United States from Puerto Rico.
16. Measures relating to the compensation, retirement and other benefits of the Members, officers, and employees of the Congress.

In addition to its legislative jurisdiction under the preceding provisions (and its general oversight function) the Committee has the function of:

1. Examining all bills, amendments, and joint resolutions after passage by the House and, in cooperation with the Senate, examining all bills and joint resolutions which shall have passed both Houses to see that they are correctly enrolled,

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forthwith presenting those which originated in the House to the President of the United States in person after their signature by the Speaker of the House and the President of the Senate and reporting the fact and date of such presentation to the House; and

2. providing policy direction for, and oversight of, the Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Inspector General.

Finally, the Committee has privilege under House Rule XI, clause 4(a) to report at any time on enrolled bills, contested elections, and all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the applicable accounts of the House described in clause 1(h)(1) of rule X, and on all matters relating to preservation and availability of noncurrent records of the House under Rule XXXVI.

105TH CONGRESS OVERSIGHT PLAN

MEMBER SERVICES

- Oversee Member allowance amounts, structure, and regulations; provide guidance to offices to ensure compliance with House regulations.
- Review and revise *Members' Congressional Handbook* regulations governing expenditure of Members' Representational Allowances.
- Review formula that establishes Members' Representational Allowance.

COMMITTEE FUNDING AND OVERSIGHT

- Continuing review and assessment of biennial and consolidated funding resolutions for committees.
- Receive and review Monthly Reports on committee activities and expenditures.
- Review and revise *Committees' Congressional Handbook* regulations governing expenditure of committee funds.
- Review Primary Expense Resolutions and approve committee funding levels.
- Create rules and regulations associated with administration of the reserve fund for unexpected oversight activities of committees.

IMPLEMENTATION OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

- Monitor implementation of the Congressional Accountability Act of 1995 (PL 104–1).
- Review regulations adopted by the Office of Compliance and make recommendations on their approval by the House.
- Evaluate resources available to the Office of Compliance and House Employing Offices to facilitate implementation of the Act.
- Provide oversight for the Office of Compliance.

FRANKING COMMISSION AND OFFICIAL MAIL ALLOWANCE

- Review proposals to reform mass mailing practices of Members, and regulations governing such mailings, and monitor current prohibition on mass mailings 90 days before a primary or general election.
- Review previously implemented rules to increase disclosure and improve the accounting of franked mail costs.
- Consider revisions of pre-election franking complaint procedures.
- Review structure and use of Official Mail Allowance.

GOVERNMENT PRINTING OFFICE

- Consider legislation to reform government printing by eliminating redundancies, increasing efficiency, and enhancing public access to government publications.
- Gather information on the restructuring of government printing and the dissemination of government information to the public, especially in electronic form.

HOUSE OFFICERS AND HOUSE OPERATIONS

Chief Administrative Officer

- Review of procedures for processing contracts with the House that exceed the threshold of \$100,000.
- Continue to review implementation of new financial management system.
- Review the long-term structure of House Information Resources and determine long-term organizational direction.
- Oversee progress towards successful implementation of the Information Systems Plan adopted by the Committee on November 15, 1995.
- Review and evaluate the process for approving equipment purchases by members and committees.
- Continuing review of functions and administrative operations assigned to the CAO.
- Review of semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.

Clerk of the House

- Review and assist in policy decisions regarding the administration of the audio transmission on the House floor.
- Review and approve contracts and requests for proposals for the Clerk which exceed the \$100,000 spending threshold.
- Review and approve program plans for the implementation of the document management system.
- Review and approve progress on defining a standard for the electronic exchange of legislative information among Congress and legislative branch agencies.
- Continuing review of functions and administrative operations assigned to the Clerk
- Review of semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.

Sergeant at Arms

- Review of security operations in the House, including the House chamber, the galleries, the Capitol, House Office Buildings, and Capitol Grounds.
- Review of semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.
- Review impact of electronic access to controlled spaces.
- Continuing review of functions and administrative operations assigned to the Sergeant at Arms.

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- Review the security operation of the House's parking facilities, its regulations and allocation of parking spaces.

Inspector General

- Review and evaluate proposed audit plan and audit reports.
- Receive and review comprehensive financial and operational audits of the House: investigate any irregularities uncovered; implement required improvements.

OVERSIGHT OF LEGISLATIVE BRANCH ENTITIES

Information and Technology Coordination

- Oversee, in conjunction with the Senate, implementation of the Legislative Branch Information Technology Exchange (LBITE) a forum for the sharing of technology plans and capabilities among the legislative branch agencies.
- Oversee, in conjunction with the Senate, the Legislative Branch Telecommunications group.

Library of Congress

- Oversee the remedial measures taken by the Library in response to the audit conducted in the 104th Congress.
- Consider the Library's proposals regarding restructuring of the Gift and Trust funds.
- Conduct a review of the progress that the Library has made in providing public access to government information, especially in electronic form.
- Continuing review and oversight of Library and Congressional Research Service operations.

Smithsonian Institution

- Receive and review the Smithsonian Inspector General's reports on the status of the Smithsonian.
- Continuing review and oversight of Smithsonian operations.

Architect of the Capitol

- Review the operations of the office of the architect, consider a systems and financial audit of the operation as a whole to provide a baseline for the administration of the new Architect.
- Conduct a review of the electronic and procured services provided by the Architect.

TECHNOLOGY USE BY THE HOUSE

- Continuing oversight of House Information Resources and other technology functions of the House to ensure timely, accurate electronic information dissemination.
- Oversee implementation of new House Rule XI 2(e)(4) requiring committee documentation to be made available electronically, to the maximum extent feasible.

ELECTIONS, VOTER REGISTRATION, AND CORRUPT PRACTICES

- Conduct a review of current operations of the Federal Election Commission and evaluate possible changes to improve efficiency, strengthen enforcement of the Federal Election Campaign Act, and

improve procedures for the disclosure of contributions and expenditures.

- Review state and federal activities in connection with the National Voter Registration Act. Examine reforms that could improve voter registration procedures, particularly with regard to strengthening protection against fraud.

- Examine options for improvement of the contested elections process and amendments to the Federal Contested Election Act.

- Examine evidence of fraud in the conduct of federal elections and evaluate measures to improve the integrity of the electoral process.

- Examine evidence of possible corruption and evasion of election laws in campaign fundraising, including contributions from prohibited foreign sources.

- Study the role of involuntary contributions used for expenditures that influence political campaigns.

- Review current federal election financing laws, consider legislative changes as necessary.

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REPORT ON THE ACTIVITIES OF THE COMMITTEE ON HOUSE OVERSIGHT

JANUARY 2, 1999.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. THOMAS, from the Committee on House Oversight,
submitted the following

REPORT

together with

MINORITY AND ADDITIONAL VIEWS

REPORT ON THE ACTIVITIES OF THE COMMITTEE ON HOUSE OVERSIGHT OF THE HOUSE OF REPRESENTA- TIVES DURING THE ONE HUNDRED FIFTH CONGRESS

SUMMARY OF OVERSIGHT ACTIVITIES

FIRST SESSION

*The Committee met on January 8, 1997—105th Congress Organiza-
tional Meeting*

1. Considered Committee Rules for the 105th Congress. Agreed to by voice vote.
2. Announced Interim Authority Actions taken after adjournment sine die of the 104th Congress, which included:
 - (a) MRA for 1997 has been set and disseminated to all Members. The Clerk Hire component of the MRA includes a 2.3% increase.
 - (b) Position of Acting Chief Administrative Officer was established. Mr. Thomas was requested by the Speaker to form a search committee. Mr. Fazio was asked to serve on the committee.
3. Considered a majority consultant contract for general election issues. The contract was agreed to by voice vote.

4. Considered a majority consultant contract for contested election issues. The contract was agreed to by voice vote.

5. Appointed Task Force to consider Contested Election filing for California's 46th Congressional District. Mr. Ehlers and Mr. Ney were appointed to the Task Force. Mr. Ehlers will serve as Chairman.

6. Announced intent to consider consultant contract for the Select Committee on Standards of Official Conduct for period of January 3 through January 21, 1997.

7. Considered consultant contract for the Committee on Rules. Agreed to by voice vote.

The Committee met on February 11, 1997—Business Meeting

1. Considered the Inspector General's 1997 Audit Plan. Motion to adopt the plan was agreed to by voice vote.

2. Announced that a recommendation be sent to the Speaker regarding the Membership of the Commission on Congressional Mailing Standards. The following Members were recommended: Mr. Thomas, Mr. Ney, and Mr. Boehner for the majority and Mr. Gejdenson, Mr. Clay and Mr. Frost for the minority.

3. Considered H. Res. 85, Appointment of the House Members to the Joint Committee on the Library and Joint Committee on Printing. H. Res. 85 agreed to by voice vote and reported favorably to the House.

(a) Members of the Joint Committee on the Library are Mr. Thomas, Mr. Ney, and Mr. Ehlers for the majority and Mr. Gejdenson, and Ms. Kilpatrick for the minority.

(b) Members of the Joint Committee on Printing are Mr. Thomas, Mr. Ney, and Ms. Granger for the majority and Mr. Gejdenson and Mr. Hoyer for the minority.

4. Considered H. Con. Res. 11, A Ceremony in the Capital Rotunda to Commemorate the Days of Remembrance of the Victims of the Holocaust. H. Con. Res. 11 was agreed to by voice vote and reported favorably to the House.

5. Appointed Democratic Member, Mr. Hoyer, to the Task Force on the Contested Election in California's 46th Congressional District.

6. Considered the Committee's Oversight Plan for the 105th Congress. Plan agreed to by voice vote.

7. Considered H. Res. 55, providing amounts for expenses for the Committee on House Oversight in the 105th Congress. H. Res. 55 was agreed to by voice vote.

8. Mr. Ehlers presented the 104th Congress Computer Working Group Report on House Information Resource's accomplishments.

9. Considered two consultant contracts for the minority on issues relating to contested elections and general election issues. Both contracts were agreed to by voice vote.

10. Considered a motion to grant the Chairman authority to issue subpoenas on issues relating to voter fraud and contested elections.

(a) An amendment was offered by Mr. Gejdenson adding the language "in consultation with * * *" the Ranking Minority Member.

(b) Amendment was agreed to by voice vote. The second amendment offered by Mr. Gejdenson would end the authorization of the Chairman to issue subpoenas on the next recess period following the date of adoption. The second amendment failed by voice vote. The motion, as amended, was agreed to by voice vote.

The Committee met on February 26, 1997—Task Force on the Contested Elections of California's 46th Congressional District Hearing

1. A motion was offered by Mr. Ney that the Task Force postpones the disposition of the Contestees Motion to Dismiss until a hearing on the merits. The motion as offered by Mr. Ney was agreed to by voice vote.

(a) An amendment was offered by Mr. Hoyer that the Committee should approve Ms. Sanchez's request that the contestant be required to provide a more definitive statement of his claim. The amendment was not agreed to by voice vote.

Witnesses included:

Mr. William Schweitzer, Majority Consultant on Contested Elections issues

Mr. Roger Ballentine, Minority Consultant on Contested Elections issues

The Committee met on March 5, 1997—Hearing on Committee Funding

Considered testimony on H. Res. 91, the Omnibus Committee Funding Resolution for the 105th Congress. The Committee heard testimony from the chairman and ranking minority members of the following House committees concerning their proposed budgets for the 105th Congress:

1. House Oversight Committee
 - Mr. Bill Thomas, Chairman
 - Mr. Sam Gejdenson, Ranking Member
2. Ways and Means Committee
 - Mr. Bill Archer, Chairman
 - Mr. Charles Rangel, Ranking Member
3. Small Business Committee
 - Mr. James M. Talent, Chairman
 - Mr. John L. LaFalce, Ranking Member
4. International Relations Committee
 - Mr. Benjamin A. Gilman, Chairman
 - Mr. Lee H. Hamilton, Ranking Member
5. Agriculture Committee
 - Mr. Bob Smith, Chairman
 - Mr. Charles W. Stenholm, Ranking Member
6. Judiciary Committee
 - Mr. Henry J. Hyde, Chairman
 - Mr. John Conyers, Jr., Ranking Member
7. Standards of Official Conduct Committee
 - Mr. James V. Hansen, Chairman
 - Mr. Howard Berman, Ranking Member
8. Transportation and Infrastructure Committee
 - Mr. Bud Shuster, Chairman

- Mr. James L. Oberstar, Ranking Member
- 9. Veterans' Affairs Committee
 - Mr. Bob Stump, Chairman
 - Mr. Lane Evans, Ranking Member
- 10. Science Committee
 - Mr. F. James Sensenbrenner, Jr., Chairman
 - Mr. George E. Brown, Jr., Ranking Member
- 11. Intelligence Permanent Select Committee
 - Mr. Porter Goss, Chairman
 - Mr. Norman D. Dicks, Ranking Member

The Committee met on March 6, 1997—Hearing on Committee Funding

Considered testimony on H. Res. 91, the Omnibus Committee Funding Resolution for the 105th Congress. The Committee heard testimony from the chairman and ranking minority members of the following House committees concerning their proposed budgets for the 105th Congress:

- 1. Rules Committee
 - Mr. Gerald B.H. Solomon, Chairman
 - Mr. John Moakley, Ranking Member
- 2. Banking and Financial Services Committee
 - Mr. James A. Leach, Chairman
 - Mr. Henry B. Gonzalez, Ranking Member
- 3. Government Reform and Oversight Committee
 - Mr. Dan Burton, Chairman
 - Mr. Henry A. Waxman, Ranking Member
- 4. Resources Committee
 - Mr. Don Young, Chairman
 - Mr. George Miller, Ranking Member
- 5. Education and the Workforce Committee
 - Mr. William F. Goodling, Chairman
 - Mr. William Clay, Ranking Member
- 6. National Security Committee
 - Mr. Floyd Spence, Chairman
 - Mr. Ronald V. Dellums, Ranking Member
- 7. Commerce Committee
 - Mr. Thomas J. Bliley, Chairman
- 8. Budget Committee
 - Mr. John Kasich, Chairman
 - Mr. John Spratt, Ranking Member Rules Committee

The Committee met on March 12, 1997—Business Meeting

1. Considered Committee Resolution to set the franked mail allocation for all House Committees, excluding the Appropriations Committee. Resolution was agreed to by voice vote.

2. Considered changes to the detailee reimbursement policy. The new policy requires that clerical details remain reimbursable but that committees may have non-reimbursable details up to 10% of their staff ceiling. Policy was agreed to by voice vote.

3. Marked-up H. Res. 91, providing amounts for the expenses of certain committees of the House of Representatives and funding the reserve fund for the One Hundred Fifth Congress.

(a) Mr. Thomas introduced an amendment in the nature of a substitute. The amendment in the nature of substitute was agreed to by roll call vote.

The Committee met on March 13, 1997—To Consider Reporting H. Res. 91, as amended on March 12, 1997, to the House

H. Res. 91, as amended, was reported favorably to the House.

The Committee met on March 19, 1997—Office of Compliance Oversight Hearing

1. Members inquired into process followed by the Board in adopting regulations to implement section 220(e) of the Congressional Accountability Act and the failure of the Board to engage in further rulemaking as requested by the Committee.

Witnesses included:

Mr. Glen D. Nager, Chairman, Board of Directors, Office of Compliance

Mr. Larry Lorber, Member, Board of Directors, Office of Compliance

Mr. Ricky Silverman, Executive Director, Office of Compliance

The Committee met on April 16, 1997—Business Meeting

Discussed several subpoenas issued by Contestant Robert Dornan. Under the Federal Contested Elections Act of 1969, the contestant is granted subpoena power in order to gather information to prove his case. Mr. Dornan had issued under the auspices of the Federal District Court for the Central District of California in Santa Ana over 20 subpoenas to various individuals and groups. Most of those entities filed motions with the Committee to quash or modify Mr. Dornan's subpoenas.

1. Considered committee resolution to authorize the Chairman to issue letters to 16 entities stating that subpoenas issued to those parties would be held in abeyance until the contestant makes a further showing of the relevance of the requested material. Those entities were the U.S. District Court Naturalization Division, Immigration and Naturalization Service, Laborers Union 652, Carpenters Union 803, Carpenters Union 2361, the Guttenberg Group, Citizen's Forum, Lou Correa For State Assembly, Active Citizenship Campaign, Communication Worker's Local 9510, Hermandad Mexicana Nacional Sales and Marketing, Rancho Santiago College, Orange County Campus, Centennial Education Center, Orange Adult Learning Center, and Garden Grove Center. The resolution was agreed to by voice vote.

2. Considered committee resolution authorizing the Chairman to issue letters to five entities stating that subpoenas issued to those parties would be enforced and that the materials requested should be provided within fifteen days. Those entities were: Catholic Charities, Dump Dornan Committee, Sanchez for Congress, Hermandad Mexicana Nacional, and Hermandad Mexicana Nacional Legal Center.

(a) Mr. Hoyer offered a motion to quash the subpoena of Catholic Charities. The motion was not agreed to. Mr. Hoyer requested a roll call vote. The votes were as follows: No—Mr.

Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger, and Mr. Thomas; Yes—Mr. Hoyer.

(b) Mr. Hoyer offered a motion to quash the subpoena to the Dump Dornan Committee. The motion was defeated by voice vote.

(c) Mr. Hoyer offered a motion to delay the subpoena to Sanchez for Congress until further consideration by the Task Force. The motion was defeated by a voice vote.

(d) Mr. Hoyer offered a motion to quash the subpoena to Hermandad Mexicana Nacional. The motion was defeated by voice vote.

(e) Mr. Hoyer offered a motion to quash the subpoena to Hermandad Mexicana Nacional Legal Center. The motion was defeated by a voice vote.

3. Committee considered the text of three protective orders that specify the terms of production and custody of documents produced under subpoena.

(a) The first protective order applies to materials produced by Catholic Charities and the Dump Dornan Committee. The protective order includes a confidentiality agreement that must be signed by Committee Staff who review the documents. The protective order was agreed to by voice vote.

(b) The second protective order applies to materials produced by Sanchez for Congress. An amendment was offered by Mr. Hoyer which would make the materials available to the majority and minority outside counsel. The amendment was agreed to by voice vote. Mr. Hoyer offered a second amendment that would keep the materials produced by Sanchez for Congress under seal until a time agreed upon by the Task Force. The second amendment was agreed to by voice vote. The protective order, as amended, was agreed to by voice vote.

(c) The third protective order applies to materials produced by Hermandad Mexicana Nacional. It also includes a confidentiality agreement. The protective order was agreed to by voice vote.

4. The minority outside counsel, Mr. Ballentine requested that a memorandum, prepared by the minority, be attached to all outgoing subpoena letters. Without objection, the Chairman agreed to this request. A motion was also made to include “cost of production” information together with the subpoena letters. The motion was passed by a voice vote.

The Committee met on April 19, 1997—Task Force on the Contested Election in California’s 46th Congressional District hearing on the merits in Orange County, CA

1. Each member of the morning panel spoke about their involvement in the case and offered their expertise on the issues and allegations involved in the case.

2. Mr. Dornan presented evidence and allegations that substantial voter fraud in the November 1996 election warrants a new election. Witnesses for the Contestant testified that a representative of the Sanchez campaign asked them to vote illegally in the 1996 election. Mr. Sanchez, an employee of the Immigration and Naturalization Service, testified about the INS’ capability to cross

check the list of registered voters in Orange County, CA against their databases of illegal aliens.

3. Ms. Sanchez rebutted claims of widespread fraud and claimed that Dornan was little more than a sore loser. Mr. Miller gave his interpretation of California election law, claiming that individuals who register to vote before becoming citizens should still be allowed to vote if they become naturalized before election day. Ms. Lever testified about vote counting processes and election policies.

4. Mr. Ehlers, Chairman of the Task Force, agreed to allow four citizens to speak. They were:

Mark Rosen, Attorney for Hermandad Mexicana Nacional

Barbara Coe, Chairperson, California Coalition of Immigration

Zeke Hernandez, President, Santa Ana Chapter of the League of United Latin American Citizens

Glenn Spencer, President, Voice of Citizens Together

Morning Panel—Government Officials:

Mr. Bill Jones, Secretary of State of California

Mr. Michael Capizzi, District Attorney of Orange County

Mr. Richard Rogers, District Director, Immigration and Naturalization Service

Ms. Rosalyn Lever, Orange County Registrar of Voters

Afternoon Panel—Contestant and Contestee:

Robert Dornan, Contestant

Loretta Sanchez, Contestee

William Hart and Michael Schroeder, attorneys for the Contestant

Wylie Aitken and Fred Woocher, attorneys for the Contestee

Witnesses included:

Nelson Molina, witness for the Contestant

Janet Cartee, witness for the Contestant

James Sanchez, employee of INS

Tony Miller, former Acting Secretary of State of California, witness for the Contestee

Rosalyn Lever, witness for the Contestee

Mark Rosen, Attorney for Hermandad Mexicana Nacional

Barbara Coe, Chairperson, California Coalition of Immigration

Zeke Hernandez, President, Santa Ana Chapter of the League of United Latin American Citizens

Glenn Spencer, President, Voice of Citizens Together

The Committee met on April 24, 1997—Business Meeting

1. Accepted the Semi-Annual Reports from the House Officers.

2. Received an update on the search for the new Chief Administrative Officer (CAO).

3. Considered a Committee Resolution to move the Office of Printing Services from the CAO to the Clerk of the House. The Resolution was agreed to by voice vote.

4. Considered a Committee Resolution to implement a single Standard Generalized Markup Language for the Legislative Branch. The Resolution was agreed to by voice vote.

5. Considered H. Con. Res. 25, A Capitol Rotunda Celebration and Dedication of the Statute of Astronaut Jack Swigert to rep-

resent the State of Colorado in Statuary Hall. H. Con. Res. 25, as amended, was agreed to by voice vote and reported favorably to the House.

(a) An amendment was offered by Mr. Ney to remove printing requirements in the resolution. The amendment passed by voice vote.

6. Considered H. Res. 129, providing amounts for the expenses of committees of the House, excluding the Government Reform and Oversight Committee and the Appropriations Committee, in the One Hundred Fifth Congress. H. Res. 129, as amended, was reported favorably to the House.

(a) Mr. Boehner offered an amendment in the nature of a substitute that was agreed to by voice vote.

7. Announced intent to send a letter to Chairman Solomon of the Rules Committee requesting a change in House Rule XI Clause 5(f)(3) to change the 9% temporary spending level for committees to 8%.

The Committee met on May 14, 1997—Business Meeting

1. Considered S. Con. Res. 26, to allow for the use of the Capitol Rotunda on June 5, 1997 honoring Mother Theresa. The Resolution was agreed to by voice vote and reported favorably to the House.

2. Announced revised language to committee resolution specifying regulations for details to committees.

3. Considered motion to authorize issuance of two subpoenas to the Immigration and Naturalization Service (INS) to:

(a) Subpoena 1: Produce in an electronic format a copy of each electronic record sufficient to show matches between the relevant INS database and the Orange County, California voter registration list, when a record does not show a naturalization date or shows a naturalization date later than the date of that person's voter registration.

(b) Subpoena 2: Produce in an electronic format a copy of each electronic record sufficient to show, for each person in the relevant INS databases, the following information: full name, available identifying information, date of last recorded update to record, and relevant INS database(s) in which the person appeared.

The subpoenas were authorized by a voice vote.

The Committee met on May 21, 1997—Business Meeting

The Committee met to consider motions on subpoenas issued in connection with the Contested Election in California's 46th Congressional District.

1. Considered a motion to quash seven subpoenas issued by Contestant Robert K. Dornan:

- (a) Laborers Union Local 652
- (b) Communications Workers Union 9510
- (c) Southern California Edison
- (d) Southern California Gas
- (e) Garden Grove Water
- (f) Immigration and Naturalization Service; and
- (g) the U.S. District Court, Central District of California, Naturalization Division.

The motion was agreed to by voice vote.

2. Considered a motion to take action on eight other outstanding subpoenas.

(a) Carpenters Union Local 803—agreed to hold in abeyance and seek more information from Contestant;

(b) Carpenters Union Local 2361—agreed to hold in abeyance and seek more information from Contestant;

(c) Rancho Santiago Community College—agreed to hold in abeyance and seek identity of confidential sources from Contestant;

(d) Citizens Forum—motion to quash was denied by voice vote;

(e) Guttenberg Group—motion to quash was denied by voice vote;

(f) Lou Correa for Assembly—motion to quash was denied by roll call vote. Votes were as follows: Yes—Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger, and Mr. Mica; No—Mr. Gejdenson and Mr. Hoyer.;

(g) Southwest Voter Registration Project— motion to quash was modified and denied by voice vote; and

(h) One Stop Immigration and Educational Center—motion to quash was modified and denied by voice vote.

The Committee met on July 8, 1997—Business Meeting

1. Considered amendment to majority contested elections contract. The contract was agreed to by voice vote.

2. Considered amendment to minority contested elections contract. The contract was agreed to by voice vote.

3. Considered Guidelines for Disbursement from Reserve Fund. The guidelines were agreed to by roll call vote. The votes were as follows: Yes—Mr. Thomas, Mr. Ney, and Mr. Mica; No—Mr. Hoyer and Ms. Kilpatrick.

(a) Mr. Hoyer offered an amendment to add to the guidelines that with the request of three or more Members, the Chairman of the requesting committee appear before the Committee on House Oversight during the open debate discussion on the request for disbursement from the Reserve Fund. The amendment was defeated by a roll call vote. The votes were as follows: No—Mr. Thomas, Mr. Ney, and Mr. Mica; Yes—Mr. Hoyer and Ms. Kilpatrick.

4. Considered request from the Committee on Education and the Workforce for disbursement of funds from the Reserve Fund. The request was agreed to by roll call vote. The votes were as follows: Yes—Mr. Thomas, Mr. Ney, and Mr. Mica; No—Mr. Hoyer and Ms. Kilpatrick.

5. Considered contract with the Gartner Group. The contract was agreed to by voice vote.

The Committee met on September 16, 1997—Business Meeting

All three items were agreed to en bloc by voice vote.

1. Considered the Science Committee's request for an allocation from the Reserve Fund.

2. Considered the Committee Resolution to approve the General Information Security Guidelines to Protect Member and Committee

Offices from Unauthorized Intrusions, as proposed by the Chief Administrative Officer.

3. Considered the Committee Resolution approving the regulations on Reemployment of Military and Civilian Retirees to Meet Unique Employment Needs.

The Committee met on September 24, 1997—Business Meeting

1. Accepted the Semi-Annual Reports from the Clerk of the House, Chief Administrative Officer, and Sergeant-at-Arms. Acceptance of the reports was agreed to by voice vote.

2. Contested Election in California's 46th Congressional District:

(a) Considered a Committee Resolution to quash subpoenas issued by the Contestant, Robert Dornan. The subpoenas to be quashed were issued to Loretta Sanchez, Rancho Santiago College, Naturalization Assistance Service, Carpenters Local 803/ Carpenters Local 2361, and R. Scott Moxley. The resolution was agreed to by voice vote.

(b) Considered a Committee Resolution to modify and enforce subpoenas issued by the Contestant, Robert Dornan to Nativo Lopez, Michael Farber, and Active Citizenship Campaign. The resolution was agreed to by voice vote.

(c) Considered House Resolution 244 urging that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act. H. Res. 244 was reported favorably to the House by voice vote.

(d) Considered issuance of interrogatories to Robert Dornan, Michael Farber, Loretta Sanchez, Wylie Aitken, John Shallman, Benny Hernandez, Nativo Lopez, California Secretary of State Bill Jones, and Orange County District Attorney Michael Capizzi. The interrogatories were approved by voice vote.

3. Considered payment for services rendered by Mr. Richard Leon to the Ethics Reform Task Force. Payment was agreed to by voice vote.

The Committee met on October 24, 1997—Business Meeting

1. Consideration of a Memorandum of Understanding between the Task Force and the California Secretary of State. The Memorandum specifies in detail the procedures by which the California Secretary of State will conduct citizenship status verification of individuals who voted in the 46th Congressional District of California. The Memorandum was approved by voice vote.

2. Consideration of a Committee Resolution requesting that the Chairman of the Committee on House Oversight issue Committee subpoenas to Nativo Lopez and Michael Farber. The resolution was approved by voice vote.

The Committee met on October 30, 1997—Campaign Reform Hearing

The Committee received testimony in the first in a series of hearings on campaign reform.

Witnesses included:

1. The Honorable Asa Hutchinson (shared time with The Honorable Tom Allen)
2. The Honorable John Doolittle
3. The Honorable Chris Shays (shared time with The Honorable Martin Meehan)
4. The Honorable Scotty Baesler
5. The Honorable George Miller

The Committee met on October 31, 1997—Campaign Reform Hearing

The Committee received testimony in the second in a series of hearings on campaign reform.

Witnesses included:

1. The Honorable Rob Portman
2. The Honorable Tillie K. Fowler
3. The Honorable David Dreier
4. The Honorable Sam Farr
5. The Honorable John F. Tierney

The Committee met on November 6, 1997—Campaign Reform Hearing

The Committee received testimony in the third in a series of hearings on campaign reform. The committee received testimony on Ballot Integrity/Disclosure.

Witnesses included:

1. The Honorable Steve Horn
2. The Honorable Billy Tauzin
3. The Honorable Bill McCollum
4. The Honorable Bob Goodlatte
5. The Honorable Vic Fazio

The Committee met on November 6, 1997—Business Meeting

All of the items were considered en bloc and approved by voice vote.

1. Considered Resolution authorizing the Chairman, in concurrence with the Ranking Minority Member, to approve the issuance of food service contract(s) as may be necessary. The Resolution also directs the CAO to report to the Committee on the status of implementation of the contract(s) no later than 60 days after the contract is approved.

2. Considered Resolution approving the Chief Administrative Officer's Finance Office Reorganization Proposal.

3. Considered consultant contract for the Committee on Education and the Workforce.

4. Considered Resolution authorizing the Chairman to take such actions as may be necessary on behalf of the Committee to discharge the responsibilities of the Committee for the period between the adjournment sine die of the first session of the 105th Congress and the beginning of the second session of the 105th Congress. Written notice of intent to act on these matters and a reasonable time for response will be given to the Ranking Minority Member.

The Committee met on November 7, 1997—Campaign Reform Hearing

The Committee received testimony in the fourth in a series of hearings on campaign reform. The Committee received testimony on Unions, Fundraising Abuses/Disclosure.

Witnesses included:

1. The Honorable Bob Schaffer
2. The Honorable Harris Fawell
3. The Honorable John Fox
4. The Honorable Tim Petri
5. The Honorable Donald Payne

SECOND SESSION

Polled Members of the Committee on January 9, 1998

Considered the request from Chairman Burton of the Government Reform and Oversight Committee for approval of a consultant contract agreement between the Committee and Miles and Stockbridge, P.C. for the services of Richard D. Bennett. The contract agreement was agreed to by poll. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted in the affirmative. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted in the negative.

Polled Members of the Committee on January 23, 1998

Considered the request from Ms. Geraldine Gennet, Office of the General Counsel for approval of a consultant contract agreement between the Office of the General Counsel and the law firm of Latham & Watkins. The contract agreement was agreed to by poll. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted in the affirmative. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted in the negative.

The Committee met on February 4, 1998 Task Force for the Contested Election in the 46th Congressional District of California Meeting

1. Considered H. Res. 355 dismissing the election contest against Loretta Sanchez. H. Res. 355 was agreed to by voice vote and reported to the Committee.

(a) Mr. Hoyer offered an amendment in the nature of a substitute, also calling for the dismissal of the contested election, but excluding the whereas clauses included in H. Res. 355. Mr. Hoyer's resolution was defeated by a vote of 2-1.

The Committee met on February 4, 1998—Business Meeting

Task Force on the Contested Election in the 46th Congressional District of California reported the results of their investigation.

1. Considered H. Res. 355 dismissing the contested election. The vote was a recorded vote, with Mr. Thomas, Mr. Ney, Mr. Ehlers, Mr. Boehner, Ms. Granger, Mr. Gejdenson, Mr. Hoyer, and Ms. Kilpatrick voted "aye"; and, Mr. Mica voted "no".

2. Mr. Ehlers offered a motion for the Committee to request and examine the attorneys' fees for possible payment. Motion was agreed to by voice vote.

3. Announcement of Actions Taken Under Interim Authority.

(a) Approved and provided notification of Members' Representational Allowance for 1998.

(b) Approved two reorganization actions requested by the Clerk of the House. The first was a request to reorganize.

The Committee met on February 5, 1998 Campaign Reform Hearing

The Committee received testimony in the fifth in a series of campaign reform hearings. The testimony was related to individual campaign reform bills pending before the Committee.

Witnesses included:

1. The Honorable Bob Inglis
2. The Honorable Rick White
3. The Honorable Steve Horn
4. The Honorable Carolyn Maloney
5. The Honorable Bob Franks
6. The Honorable Doug Bereuter
7. The Honorable Harold Ford, Jr.
8. The Honorable Patsy Mink

The Committee met on February 26, 1998 Campaign Reform Hearing

The Committee received testimony in the sixth in a series of campaign reform hearings. The testimony was related to individual campaign reform bills pending before the Committee.

Witnesses included:

1. The Honorable Ken Calvert
2. The Honorable Nick Smith
3. The Honorable David Price
4. The Honorable Louise Slaughter
5. The Honorable Linda Smith
6. The Honorable Ron Paul
7. The Honorable Kaptur
8. The Honorable Eliot Engel

Polled Members of the Committee on February 17, 1998

Considered request from Chairman Goodling of the Education and the Workforce Committee for approval of two consultant contract agreements between the Committee and Miles and Philip A. Smith for the services of Frederick W. Smolen. The contract agreement was agreed to by poll. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted in the affirmative. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted in the negative.

Polled Members of the Committee on February 24, 1998

Considered request from Chairman Thomas of the House Oversight Committee for approval of a consultant contract agreement between the Committee and the law firm of Littler Mendelson for the individual services of Mark A. deBernardo. The contract agreement was agreed to by poll. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted in the affirmative. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted in the negative.

The Committee met on March 5, 1998—Campaign Reform Hearing

Committee received testimony in the sixth in a series of campaign reform hearings. The testimony was related to individual campaign reform bills pending before the Committee.

Witnesses included:

1. The Honorable Joe Knollenburg
2. The Honorable Merrill Cook
3. The Honorable Lynn Rivers
4. The Honorable Bob Clement
5. The Honorable George Gekas
6. The Honorable Wayne Gilchrest
7. The Honorable Sam Gejdenson.

The Committee met on March 18, 1998—Markup on Campaign Reform Legislation

1. Considered H.R. 3485, Campaign Reform and Election Integrity Act of 1998. The Committee voted favorably to report H.R. 3581, the Campaign Reform and Election Integrity Act of 1998, to the House.

(a) Ms. Kilpatrick offered an amendment to H.R. 3485, to strike Title I. Amendment was defeated by a roll call vote of 3–5. Mr. Thomas, Mr. Ney, Mr. Boehner, Ms. Granger and Mr. Mica voted no. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted yes.

(b) Mr. Gejdenson offered an amendment to H.R. 3485, to strike Title V. The amendment was defeated by a roll call vote of 3–5. Mr. Thomas, Mr. Ney, Mr. Boehner, Ms. Granger and Mr. Mica voted no. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted yes.

(c) Mr. Gejdenson offered an amendment to H.R. 3485 to strike Title VI; the amendment was defeated by a roll call vote of 3–5. Mr. Thomas, Mr. Ney, Mr. Boehner, Ms. Granger, Mr. Ehlers and Mr. Mica voted no. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted yes.

(d) Mr. Gejdenson offered an amendment in the nature of a substitute to H.R. 3485. The amendment was defeated by a roll call vote of 2–5–1. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers and Mr. Mica voted no. Mr. Gejdenson and Mr. Hoyer voted yes. Ms. Kilpatrick voted present.

(e) Mr. Gejdenson offered a second amendment in the nature of a substitute to H.R. 3485; the amendment was defeated by a roll call vote of 2–5–1. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers and Mr. Mica voted no. Mr. Gejdenson and Mr. Hoyer voted yes. Ms. Kilpatrick voted present.

(f) Mr. Thomas offered an amendment in the nature of a substitute to H.R. 3485. Amendment passed by a roll call vote of 5–3. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers and Mr. Mica voted yes. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted no.

The Committee met on March 25, 1998—Business Meeting

1. Considered request from the Committee on Government Reform and Oversight for Allocation from the Reserve Fund. Agreed to by roll call vote. Mr. Thomas, Mr. Ney, Mr. Boehner, Ms. Granger

er and Mr. Mica voted yes. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted no.

2. Considered request from the Committee on the Judiciary for an allocation from the Reserve Fund. Approved by voice vote.

3. Considered Committee Resolution adopting the *Members' Congressional Handbook*. Resolution was agreed to by voice vote.

4. Accepted the Officers' Semi-Annual Reports.

5. Considered Committee on House Oversight Gartner Group Consultant Contract. Approved by voice vote.

6. Considered Committee Resolution authorizing the Chairman to Approve Postal Operations Contract during April recess. Resolution was agreed to by voice vote.

Polled Members of the Committee on April 7, 1998

Considered request from Chairman Goodling to approve two contract agreements between the Committee on Education and the Workforce and Dan L. Anderson and Daniel F. Sullivan. The contracts were approved by a 6–3 vote. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted yes. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted no.

Polled Members of the Committee on April 14, 1998

Considered request to amend the contract between the Committee on House Oversight and the law firm of Littler Mendelson for the individual services of Mark A. De Bernardo. Amendment was agreed to by a 6–2 vote. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted no. Mr. Gejdenson and Mr. Hoyer voted no.

Polled Members of the Committee on April 27, 1998

Considered request to extend the contract between the Committee on Education and the Workforce and di Genova and Toensing. Extended date from April 30, 1998 to July 31, 1998. Extension was agreed to by a 6–3 vote. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted yes. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted no.

The Committee met on April 30, 1998—Markup H.R. 3478

1. Marked-up H.R. 3478, the Federal Election Commission (FEC) FY '99 Authorization bill. H.R. 3478 passed by a roll call vote of 4–2.

(a) Mr. Gejdenson offered an amendment to H.R. 3478, which failed by a roll call vote.

Witnesses included:

1. Joan D. Aikens, Chairman, Federal Election Commission
2. Scott E. Thomas, Vice Chairman and Chairman, Finance Committee
3. Lee Ann Elliott, Commissioner.

Polled Committee Members on June 15, 1998

Considered request from Chairman Goodling to approve a contract agreement between the Committee on Education and the Workforce and Mr. Raymond Maria. The contract agreement was

agreed to by poll vote, with all Members of the Committee voting in the affirmative.

The Committee met on June 24, 1998—Business Meeting.

All items were agreed upon by voice vote.

1. Considered Policy and Procedures for the Collection of Obligations owed by members to the House.
2. Considered U.S. Capitol Police Unified Pay Policy.
3. Considered U.S. Capitol Police Unified Leave Policy.
4. Considered Extension of Interagency Agreement with the Department of the Interior for Computer Support.

The Committee met on July 30, 1998—Business Meeting

Agenda items 2, 3, 4, 5 and 7 were approved by voice vote en bloc.

1. Marked-up of H. Res. 506 providing Supplemental Expense Resolution for the Committee on Standards of Official Conduct. H. Res. 506 was approved by voice vote and reported favorably to the House.
2. Considered Committee Order No. 42, Unification of the Members' Representational Allowance.
3. Considered Committee Resolution Funding the Acquisition of Portraits of former Speakers.
4. Considered HIR Reorganization.
5. Considered Relocation of House of Representatives Child Care Center.
6. Received Report from the Officers on Year 2000 Remediation.
7. Considered the Year 2000 Remediation Policy from the Chief Administrative Officer.

The Committee met on August 5, 1998—Business Meeting

1. Considered the Committee Resolution regarding payment of Legal Fees for the Contested Election in the 46th Congressional District of California. The resolution was agreed to by roll call vote. Mr. Thomas, Mr. Ney, Ms. Granger and Mr. Mica voted yes. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted no. Mr. Ehlers voted present.

(a) Mr. Hoyer offered an amendment. Amendment failed. Mr. Thomas, Mr. Ehlers, Ms. Granger and Mr. Mica voted no. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted yes.

2. Considered Committee Resolution authorizing the official funds to pay for transit subsidies for staff. Resolution was agreed to by voice vote.

3. Considered Committee Resolution adopting the Equipment User's Guide. Agreed to by roll call vote. Mr. Thomas, Mr. Ney, Mr. Ehlers, Ms. Granger and Mr. Mica voted yes. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted no.

Polled Members of the Committee on August 13, 1998

Considered an amendment to the contract between the Committee on Education and the Workforce and Mr. Frederick Smolen. Amendment was approved by a polled vote of 6–3. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted yes. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted no.

Polled Members of the Committee on September 4, 1998

Considered contracts between the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China and the following contractors:

1. Washington Advisory Group.
2. Washington Counsel, P.C.
3. Bahler Communications.

Contracts were approved by a poll vote of 9–0.

Polled Members of the Committee on September 10, 1998

Considered contracts between the Committee on the Judiciary and the following:

1. David P. Shippers & Associates.
2. Law Offices of Susan Bogart, P.C.
3. Charles Marino.
4. Brand, Lowell & Ryan, P.C.
5. Lis Wiehl.
6. Deborah Rhode.

The contracts were approved by a poll vote of 9–0.

Polled Members of the Committee on September 14, 1998

Considered contracts for the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China and the following:

1. Dechert Price & Rhodes.
2. Contract agreement with the National Institute of Public Policy.

The contracts were approved by a poll vote of 9–0.

Polled Members of the Committee on September 14, 1998

Considered an extension of the consultant contract between the Office of the General Counsel and Latham & Watkins. Extension was approved by a poll vote of 6–3. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted yes. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted no.

Polled Members of the Committee on October 1, 1998

Considered an extension of the consultant contracts between the Committee on Education and the Workforce and Mr. Dan L. Anderson and Mr. Daniel F. Sullivan. The extensions were approved by a poll vote of 6–2. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers, Ms. Granger and Mr. Mica voted yes. Mr. Hoyer and Ms. Kilpatrick voted no.

The Committee met on October 2, 1998—Committee Business Meeting

1. Considered Committee on Education and the Workforce request for an Allocation from the Reserve Fund for the Teamsters' Investigation. Agreed to by voice vote.

2. Considered Committee Resolution Adopting Extended Warranties Policy. Resolution was adopted by voice vote.

3. Considered Committee Resolution Adopting USCP Premium and Longevity Pay Schedules. Resolution was adopted by voice vote.

4. Considered Committee Resolution Authorizing a Fund Balance Adjustment. Resolution was adopted by voice vote.

5. Considered Committee Resolution Establishing an Interim Authority from Sine Die through January 2, 1999. Resolution was adopted by voice vote.

(a) Mr. Hoyer offered an amendment to Interim Authority. Amendment failed by voice vote. Mr. Thomas, Mr. Ney, Mr. Ehlers and Ms. Granger voted no. Mr. Hoyer and Ms. Kilpatrick voted yes.

6. Accepted Officer's Semi-Annual Reports.

The Committee met on October 14, 1998—Committee Business Meeting

1. Considered a request from the Committee on the Judiciary for an allocation from the reserve fund. The request was approved by a vote of 7–0. Mr. Thomas, Mr. Ney, Mr. Ehlers, Ms. Granger, Mr. Mica, Mr. Gejdenson and Mr. Hoyer voted yes.

2. Considered an amendment to a consultant contract between the Committee on House Oversight minority and Patton Boggs, LLP. The amendment was agreed to by voice vote.

Polled Members of the Committee on October 29, 1998

Considered Committee on House Oversight minority contested election consultant contract with Chris Sautter. The contract was approved by a poll vote of 9–0.

Polled Members of the Committee on November 20, 1998

Considered consultant contracts between the Committee on the Judiciary and David P. Schippers & Associates and R.S. Hoover & Associates. The contracts were approved by a poll vote of 9–0.

Polled Members of the Committee on December 14, 1998

Considered contract amendments between the Select Committee on U.S. National Security and Military/ Commercial Concerns with the People's Republic of China and the Washington Advisory Group and Dechert Price & Rhoads. The amendments were approved by a vote of 9–0.

GENERAL OVERSIGHT ACTIVITIES—THROUGHOUT THE 105TH
CONGRESS

GENERAL ELECTION ISSUES

- Reviewed proposed language for appropriations to the Bureau of Census.
- Studied voter registration laws under the National Voter Registration Act of 1993.
- Studied campaign finance legislation introduced in the 105th Congress.
- Handled inquiries from the public regarding campaign finance reform legislation.
- Distributed information on bills referred to the Committee and summaries of campaign finance reform bills from previous Congresses.

Federal Election Commission

- Monitored the appointment process of Commissioners to the Federal Election Commission.
- Handled inquiries and gathered information on FEC oversight issues.

MEMBER AND COMMITTEE SERVICES

Members

- Answered questions regarding parking rules and assignments.
- Handled problems regarding allowance regulations. In response to certain inquiries, the Committee created clarifying policy memoranda to the administrative offices of the House.
- Answered inquiries regarding service and support issues concerning House Information Resources (HIR) and Correspondent Management System (CMS) vendors.
- Oversaw the registration of Congressional Member Organizations, disseminating information and responding to questions accordingly.
- Respond to inquiries on Federal laws, House Rules and Committee regulations pertaining to the operation of Member offices.
- Calculated and issued authorization amounts for Member Representational Allowance.
- Briefed district office staff on Congressional Research Service programs on issues under the Committee's jurisdiction.
- Established seminars for House staff to address concerns related to issues under the Committee's jurisdiction.

Committees

- Answered questions regarding parking rules and assignments.
- Answered inquiries regarding regulations governing the expenditures of committee funds.
- Reviewed and approved detail agreements.
- Received and reviewed monthly reports from the standing and select committees of the House.

Commission on Mailing Standards

- The Franking Commission reviewed drafts of proposed mass mailings, issued written advisories on approved mailings, answered questions regarding specific mailings as well as general franking regulations and policy.
- Answered inquiries from Member offices regarding compliance with the Castle Amendment to the Fiscal Year 1997 Legislative Branch Appropriation bill. The Committee helped Member offices understand the new mass mail reporting rules and told them how to get the information needed to comply with those rules.
- Answered inquiries from Member offices regarding compliance with the new Single Drop Mass Mail Obligation Requisition Form.

Congressional Accountability

- Monitored implementation of the Congressional Accountability Act.

- Provided advice to offices on personnel and employment issues, such as Accrued Leave, Drug Testing, American with Disabilities Act Compliance, etc.
- Provided policy direction and oversight for the Office of House Employment Counsel.

OVERSIGHT OF HOUSE OFFICERS AND INSPECTOR GENERAL

Chief Administrative Officer (CAO)

- Provided policy direction for and oversight of the CAO.
- Reviewed and revised service contracts with the House.
- Reviewed and evaluated equipment purchases over \$100,000 by Members and committees.

Clerk of the House

- Provided policy direction and oversight of the Clerk.
- Reviewed and approved contracts and requests for proposals for the Clerk which exceed the \$100,000 spending threshold.
- Coordinated and worked with Congressional Research Service, the Clerk of the House and HIR staff to implement the new Legislative Information System.
- Worked with Clerk to define Year 2000 issues in systems under her control.
- Worked with the Clerk of the House and Secretary of the Senate Task Force to implement a data standard for information exchange for the Legislative Branch.

Sergeant-at-Arms

- Provided policy direction for and oversight of the Sergeant-at-Arms.
- Monitored pending litigation involving the U.S. Capitol Police.

Inspector General

- Provided policy direction for and oversight of the Inspector General.

LEGISLATIVE BRANCH AGENCIES

Library of Congress

- Biweekly meetings with the library to review operations, budgetary concerns, and management concerns.
- Reviewed and answered inquiries on Library of Congress security issues.

Government Printing Office

- Staff worked with representatives of the Legislative Branch Appropriation Subcommittee and the Government Printing Office (GPO) to discuss budget requirements for GPO.
- Monitored legislation to reform Title 44 of the U.S. Code relating to government printing and dissemination of government information to the public.

Smithsonian Institution

- Reviewed the Smithsonian Institution's draft Strategic Plan developed in response to the Government Performance and Results Act.
- Considered recommendations to authorize funds for repair and maintenance of the Smithsonian buildings.

Office of Compliance

- Processed requests for authority to settle cases pending before the Office of Compliance.

Architect of the Capitol

- Worked with Architect of the Capitol staff to discuss their plans for a Computer Assisted Facilities Management (CAFM) system.

General

- Answered press inquiries regarding issues under the Committee's jurisdiction.
- Enrolled House bills and resolutions.
- Processed vouchers for payment under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act.
- Worked with foreign congressional delegations to discuss issues related to the Committee and the House.
- Worked closely with the Legislative Branch Subcommittee on appropriations matters.

FIRST SESSION

January 1997

- Computed the annual fee for use of the Attending Physician and distributed a Dear Colleague announcing the 1997 fee.
- Adopted Cost of Living Adjustment for House Wage Scale pursuant to the House Employees Position Clarification Act (2 U.S.C. §291 et seq.).
- Monitored implementation of the new Office of Americans with Disabilities Act (ADA) Services which was established by the Committee to assist House offices in accommodating persons with disabilities. The Office will provide House offices with information, training, and support services (including special equipment, sign language interpreters, braille, TDD phones, etc.) to ensure the availability of assistance required by constituents, visitors, and employees with disabilities.
- Reviewed *Members' Congressional Handbook* and User's Guide to Purchasing Equipment, Software, and Related Services.
- Distributed to standing committees and the Permanent Select Committee on Intelligence, excluding the Appropriations Committee, budget instructions for 105th Congress Committee Funding.
- Responded to questions regarding 105th Congress Committee Funding.
- Analyzed the Federal Election Commission's Fiscal Year 1998 budget request.
- Distributed Dear Colleague on "Castle Amendment" which requires disclosure of franked mail costs. The Committee provided

guidance to Member offices as to how they should comply with the recently passed Castle Amendment to the FY 97 Legislative Branch Appropriations bill. The law requires that, for the first time, information on the costs and the amount of mass mail that is sent by Members of Congress be disclosed to the public in the Statement of Disbursements. The Dear Colleague set dates for which Members were to provide to the Finance Office the necessary information and the forms on which the information is to be recorded.

- Oversaw House Parking Office distribution of 105th Congress parking permits. The Committee provided guidance to the Office of Garages and Parking Security as to the manner in which that office was to distribute the new parking permits for the staff and Members of the 105th Congress. The new permits are hang tags that provide flexibility to Member office parking rosters, as well as the necessary security as recommended by the Office of the Sergeant at Arms.

- Oversaw completion and distribution of 105th Congress ID badges. The Committee provided guidance to the office of the Sergeant at Arms as to the manner in which their ID Office was to distribute the new identification badges for staff of the 105th Congress. These IDs were less expensive to produce than in the last Congress and have a larger picture to aid in Capitol Police in the identification of staff.

- Responded to Member office and committee inquiries regarding parking rules. The Committee explained the House Parking rules for offices and helped Members find solutions to their parking problems without granting exemptions or waivers.

- Distribution of Dear Colleague regarding reimbursement for travel from leadership retreats.

February 1997

- Reconvened Office of Fair Employment Practices Review Panel from 104th Congress for review of holdover grievance.

- Responded to Member inquiries regarding Committee Funding.

- Monitored changes in public law effecting House employment including payment of health insurance premiums and child support enforcement.

- Conducted seminars for Member offices entitled "Managing Your Member's Representational Allowance (MRA)". The following issues were discussed at the seminar: fundamentals of the MRA, public disclosure of expenses, and a review of the biggest spending Members.

- Reviewed *Members' Congressional Handbook* and User's Guide to Purchasing Equipment, Software, and Related Service.

- Disseminated the January/February edition of the House Oversight Resource newsletter.

- Continued to oversee House Parking Office distribution of 105th Congress parking permits. The Committee worked with the Office of Garage and Parking Security to ensure the permits were distributed in a timely manner and according to House Parking Rules.

- Approved Congressional Tours package to be issued by the Sergeant at Arms. The Committee approved the sending of an infor-

mation packet to Member offices informing them of the opportunity and rules involving tours of the Capitol. This packet contained information on the increase of the number of hours that tours can be given, how to register for tours and times in which tour classes were offered to Member office staff.

- On February 12, 1997, issued a subpoena for records of Hermandad Mexicana National seized by the District Attorney of Orange County, CA related to voter fraud in CA-46.
- Requested information on ineligible voters from the Immigration and Naturalization Service.
- Researched and reviewed Library of Congress plans for the THOMAS system during 1997, to understand what additional Congressional information will be made available to the public.
- Disseminated Dear Colleague announcing that the news report, "The Hotline Moves to the Internet Next Week" which announced that a MIN service was moving from the HIR mainframe to the Internet.
- Distributed Dear Republican Colleague regarding President Clinton's endorsement of campaign finance reform.
- Distributed Dear Colleague announcing a seminar on franking regulations.

March 1997

- Second letter sent to the Immigration and Naturalization Service repeating request for information on ineligible and non-citizen voters.
- Answered inquires from Member offices and committees regarding Committee Funding.
- On March 14, 1997, Committee staff worked with Congresswoman Evelyn Matthei of Chile on election reform issues.
- Reviewed and finalized the District Office Lease Agreement with the U.S. General Services Administration. This agreement further establishes procedures and guidelines to follow for planning and providing space, telephone service, printing services, office furniture, furnishings, carpeting, draperies, window blinds, and miscellaneous services to the district offices of Members of the U.S. House of Representatives. The procedure and guidelines were compiled into the publication "Providing and Outfitting District Offices for Members of the House of Representatives".
- Reviewed request from the General Counsel of the Office of Compliance for security clearances for OSHA inspectors.
- Reviewed *Members' Congressional Handbook* and *User's Guide to Purchasing Equipment, Software, and Related Service*.
- Disseminated Dear Colleague on "House Messaging Update" to communicate progress, identify available training, and options for offices upgrading.
- Appeared before the Committee on Rules to request a closed rule for H. Res. 91, the Committee funding resolution. The closed rule was granted by the Rules Committee.
- Dear Colleague sent urging members to vote yes on H. Res. 91, the omnibus funding resolution for 18 standing committees and the Permanent Select Committee on Intelligence.

- Distributed Dear Colleague advising members of a clarification with respect to the quarterly mass mail information they are required to report to the Finance Office.

April 1997

- Answered inquiries from Member offices and committees regarding Committee Funding.
- Answered questions from the public regarding the Task Force on the Contested Election in California's 46th Congressional District.
- Reviewed *Members' Congressional Handbook* and *User's Guide to Purchasing Equipment, Software, and Related Service*.
- Distributed Dear Colleague urging continued investigation in the Contested Election in California's 46th Congressional District.
- Monitored legislation to reform Title 44 of the U.S. Code relating to government printing and dissemination of government information to the public.
- Requested the Immigration and Naturalization Service to compare the Orange County voter list and the list of non-citizens at the time of registration.
- Disseminated the April edition of the House Oversight Resource newsletter. The newsletter provided information about employing both paid and unpaid interns.
- Distributed the publication "Providing and Outfitting District Offices for Members of the House of Representatives" to Member's Washington, DC and district offices.
- Started a review of equipment and maintenance contract procurement procedures to improve the purchasing and equipment support process.
- Appeared before the Committee on Rules to request a closed rule for the debate of H. Res. 129, the committee funding resolution. The closed rule was granted by the Rules Committee.
- Dissemination of Dear Colleague regarding the use of video conferencing as a productivity tool for members and committees.
- Distributed Dear Colleague announcing improvement efforts to purchasing computer equipment and support.
- Distribution of Dear Colleague regarding information security reviews to protect in-office and House-wide Systems from unauthorized intrusion.

May 1997

- May 14, 1997, two subpoenas were served upon Doris Meissner, Commission of the INS, with a return date of May 21, 1997.
- Responded to questions from the public regarding the Task Force on the Contested Election in California's 46th Congressional District.
- Completed the 1997 *Intern Handbook*.
- Organized and implemented the 1997 Summer Intern Lecture Series.
- Reviewed *Members' Congressional Handbook*.
- Conducted review of equipment and maintenance contract procurement procedures with the Equipment Project Team Task Force. The recommendations from the Task Force will be used in

reviewing the *User's Guide to Purchasing Equipment, Software, and Related Service*.

- Monitored legislation to reform Title 44 of the U.S. Code relating to government printing and dissemination of government information to the public.
- Disseminated the General Services Administration Agreement which establishes procedures and guidelines for outfitting Member district offices (sent to Member DC and district offices).
- Distributed a Dear Colleague regarding vendors selling posters on the Congressional Accountability Act to Member offices.
- Reviewed legislation proposed by the Capitol Police Board regarding unification of payroll and leave policies.
- Evaluated the impact of a Supreme Court opinion, *Chandler v. Miller*, on proposed House drug testing policies.
- Evaluated Office of Compliance proposed substantive regulations to implement OSHA and ADA access provisions, as well as changes to procedural regulations.
- Evaluated Office of Compliance General Counsel's proposal to permit House offices to engage in self-inspections.
- Researched and reviewed the possible purchase of COMPASS and FASTForward systems by Postal Operations. The COMPASS and FASTForward systems would allow Member offices to continue to obtain the 5 cent discount that they, along with the general public, can get if their mail is addressed properly. New U.S. Postal Service regulations require that mail meet additional standards so that members can continue to obtain a postage discount.
- Reviewed the proposed security plan presented by the Sergeant-at-Arms. The security plan updates and improves the security of Members, staff and the Capitol.
- On May 7, 1997, sent a letter to John Kasich, Chairman of the House Budget Committee, outlining the Committee's View and Estimates for the Federal Election Commission's FY 1998 Budget. The Committee estimated that the total budget authority for the FEC (FY 1998) will not exceed \$34.3 million.
- On May 10, 1997, committee staff worked with Christopher Neo Ting Wei, Assistant Treasurer of the National Solidarity Party of Singapore, to study campaign finance in the United States.
- Disseminated Dear Colleague, announcing a seminar on information security and disaster recovery planning for member offices.

June 1997

- Began final selection process for the new Chief Administrative Officer.
- Organization of Intern Speaker Series. There were three speakers:
 - June 19: Representative Floyd Flake (D-NY) regarding "Issues of the 105th Congress"
 - June 20: Mr. Frank Luntz, Luntz Research Company regarding "Voice of the New Majority"
 - June 26: Representative Bill Redmond (R-NM) regarding "The Road to Congress"
- Responded to questions from the public regarding the task force on the contested election in California's 46th Congressional District.

- Reviewed Members' Congressional Handbook regulations.
- Completed review of equipment and maintenance contract procurement procedures with the Equipment Project Team Task Force. Recommendations from the Task Force will be used in reviewing the *Users Guide to Purchasing Equipment, Software, and Related Service*.
- Studied legislation to reform Title 44 of the U.S. Code related to government printing and dissemination of government information to the public.
- Worked to obtain information from the Immigration and Naturalization Service and to analyze records of individuals who may have illegally registered and voted in Orange County and the 46th Congressional District of California.
- Received and Reviewed communications regarding Contestant's subpoenas of groups possessing information regarding the Contested Election in California's 46th Congressional District.
- Worked with the U.S. Government Printing Office to implement strategies for putting the Federal Election Commission (FEC) data on the Internet.
- Monitored FEC Presidential Appointment process.
- Analyzed the FEC budget data for Fiscal Year 1997–8.
- Sent letter to Mr. Kolbe, Chairman of the Subcommittee of Treasury Postal, urging \$300,000 appropriation for posting all FEC disclosure data on the Internet and \$750,000 appropriation for an FEC management, performance, and technology audit.
- Studied legislation regarding state residence requirements for military voters.
- Reviewed proposals from the Office of Procurement and Purchasing on procedures and vendor monitoring.
- Reviewed Requests for Proposals for food services.
- Reviewed and researched the possible purchase of COMPASS and FASTForward systems by Postal Operations. The COMPASS and FASTForward systems would allow Member offices to continue to obtain the 5 cent discount that they, along with the general public, can get if their mail is addressed properly. New U.S. Postal Service regulations require that the mail meet additional standards so members can continue to obtain a postage discount.
- Organizational Meeting of the Joint Committee on the Library was held on June 25, 1997.
- Distributed Dear Freshmen Colleague, reminding Freshmen members of the deadline for removal of district office equipment and furnishings.

July 1997

- Monitored legislation to reform Title 44 of the U.S. Code relating to government printing and dissemination of government information to the public.
- Monitored the appointment process of Commissioners to the Federal Election Commission.
- Analyzed the Federal Election Commission budget data for Fiscal Year 1997–1998.
- On July 28, 1997, committee staff worked with members of the Ethiopian parliament to discuss general Committee on House Oversight responsibilities and overall functions of the House.

- Reviewed the possible purchase of COMPASS and FASTForward systems by Postal Operations. The COMPASS and FASTForward systems would allow Member offices to continue to obtain the 5 cent discount that they, along with the general public, can get if their mail is addressed properly. New US Postal Service regulations require that mail meet additional standards so members can continue to obtain a postage discount.
- Answered inquiries from the public regarding the status of the investigation into the contested election in the 46th Congressional District of California.
- Corresponded with the Immigration and Naturalization Service to facilitate the procurement of INS data related to the contested election in the 46th Congressional District.
- Analyzed the records of individuals who may have illegally registered and voted in the 46th Congressional District of California.
- Issues a "Dear Colleague" on July 31 to all Republican Members of Congress regarding the contested election in the 46th Congressional District of California.
- Corresponded with the Department of Justice regarding a criminal complaint filed by Robert K. Dornan against Hermandad Mexicana Nacional.
- Studied voter registration laws under the National Voter Registration Act of 1993.
- Reviewed *Members' Congressional Handbook* regulations.
- Dear Colleague disseminated to members regarding the relocation to external sites of information services on the World Wide Web.
- Distributed Dear Colleague regarding the reporting of comprehensive information on all mass mailings sent by member offices.
- Distributed Dear Colleague announcing the 1997 Summer Intern Lecture Series.
- Disseminated Dear Colleague informing member offices on technology education, covering messaging, legislative information retrieval, and video conferencing.
- Distributed Dear Colleague regarding changes in Internet-related services.

INTERN SPEAKER SERIES FOR JULY

Date	Speaker	Topic of speech
July 1	Mr. Steven Moore/CATO Institute	The Privatization of Social Security.
July 2	Gen. Julius Becton/DC Schools	Children in Crisis.
July 8	Rep. Bill Thomas	Ways and Means of Moving a Bill.
July 9	Rep. Jim McCrery	Taxes and You.
July 10	Mr. Elliott Abrams/Ethics & Public Policy Institute	U.S. Policy on Latin America.
July 11	Sec. Jack Kemp	America on the Eve of the 21st Century.
July 14	Sen. Trent Lott	Remarks by the Majority Leader.
July 16	Mr. Charlie Cook/Cook Political Reports	National Political Overview.
July 17	Rep. Ileana Ros-Lehtinen	U.S. Policy Towards Cuba.
July 18	Mr. Sam Donaldson/ABC News	Views on Washington.
July 21	Mr. Tom Schatz/Citizens Against Government Waste.	The War on Waste.
July 22	Ms. Cokie Roberts/ABC News	Ways of Washington.
July 23	Rep. Bob Ney	Foreign Affairs.
July 24	Sen. John McCain	The Senate's Role in the 105th Congress.
July 25	Rep. Barney Frank	A Look at the 105th Congress.
July 29	Rep. John Lewis	Civil Rights and Politics in America.

INTERN SPEAKER SERIES FOR JULY—Continued

Date	Speaker	Topic of speech
July 30	Rep. Bob Livingston	Appropriations and the Budget Process.
July 31	Mr. Ben Wattenberg/American Enterprise Institute	Is the Population Explosion Over?

August 1997

- Analyzed the FEC budget data for Fiscal Year 1997–1998.
- Received and reviewed bids from potential advisors regarding the system for drug testing required by House Rules.
- Finalized and issued the Request for Proposal for the Food Service contract.
- Reviewed the Statement of Disbursements for the last quarter of 1996.
- Responded to inquiries on the Barbershop contract.
- Worked with CAO to engage an Acting HIR Director.
- Worked with CAO and HIR to finalize an Information Security Policy. Oversaw the deployment of the House Messaging System along with Member, Committee and Leadership staff along with HIR, by finalizing plans for a fax gateway pilot, completing recommendations for providing encryption and digital signatures, and provided enhanced capabilities to manage Member schedules.
- Worked with the Clerk of the House and Secretary of the Senate Task Force to implement a data standard for information exchange for the Legislative Branch.
- Responded to inquiries regarding the proposal to place CRS online.
- Reviewed and considered acceptance of trust fund gifts.
- Reviewed and studied draft of Bicentennial legislation.
- Coordinated with the Legislative Branch Appropriations Subcommittee on matters pertaining to the Fiscal Year 1998 Legislative Branch Appropriation Bill.
- On August 1, 1997, the Committee held the last Intern Lecture series event for the summer of 1997. Representative Anne Northup spoke about The Challenges Facing a Freshman.
- Requested cooperation from the Federal Bureau of Investigation and Central Intelligence Agency regarding a request for disclosure of records accumulated by the House Select Committee on Assassinations regarding the murder of the Reverend Martin Luther King, Jr.
- The House Fine Arts Board approved a request from Mr. Alan Hantman, Architect of the Capitol, to accept the portrait of Senator Pat Roberts, former Chairman of the House Agriculture Committee, into the House's permanent collection of fine art.
- Analyzed the records of individuals who may have illegally registered and voted in California's 46th Congressional District.
- Responded to questions from the public regarding the status of the investigation into the contested election in California's 46th Congressional District.
- Worked with the Immigration and Naturalization Service (INS) to facilitate the procurement of INS data related to the contested election in California's 46th Congressional District.
- Worked with the Office of the House Counsel to prepare a brief for submission to the U.S. District Court, Central District of Cali-

ifornia, Southern Division at Santa Ana. The brief was filed on behalf of the U.S. House of Representatives and defended the constitutionality of the Federal Contested Elections Act. The case before the court related to subpoenas issued by the Contestant, Robert K. Dornan to which Hermandad Mexicana Nacional objected.

- Distributed Dear Colleague, notifying member offices on briefings held by the Office of Compliance in regards to the Congressional Accountability Act.
- Distributed Dear Colleague regarding information on payroll appointments.

September 1997

- Reviewed and analyzed language in the Defense Authorization Bill regarding military voters.
- Analyzed the FEC budget data for Fiscal Year 1997–1998.
- Researched options for the proposed FEC performance and technological audit and management review.
- Responded to inquiries regarding campaign finance reform legislation. Distributed information on bills referred to the Committee and summaries of campaign finance reform bills from previous Congresses.
- Received and reviewed bids from potential advisors regarding the system for drug testing required by House Rules.
- Renewed Barbershop contract.
- Renewed Shoeshine contract.
- Amended Food Services Request for Proposal and issued correction on business units.
- Reviewed and approved unsolicited proposal by Pitney Bowes to modify existing contract to add services.
- Worked with CAO to engage an Acting House Information Resource (HIR) Director.
- Oversaw the deployment of the House Messaging System along with Member, Committee and Leadership staff along with HIR, by finalizing plans for a fax gateway pilot, completing recommendations for providing encryption and digital signatures, and provided enhanced capabilities to manage Member schedules.
- Worked with the Clerk of the House and Secretary of the Senate Task Force to implement a data standard for information exchange for the Legislative Branch.
- Researched the Papmarkou Educational Trust Fund and voted to establish the trust fund.
- Worked with Task Force regarding the Congressional Research Service on-line issue.
- Reviewed draft of Bicentennial legislation.
- Reviewed Commemorative Coin Bill for the Library of Congress Bicentennial.
- Researched permanent authorization of American Folklife Center.
- Requested cooperation from the Federal Bureau of Investigation and Central Intelligence Agency regarding a request for disclosure of records accumulated by the House Select Committee on Assassinations regarding the murder of the Reverend Martin Luther King, Jr.

- Committee staff worked with an Argentine Delegation regarding New Member Orientation and on-going education of Members on the rules and regulations of the House.
- Responded to questions from the public regarding the status of the investigation into the contested election in California's 46th Congressional District.
- Corresponded with the Immigration and Naturalization Service to facilitate the procurement of INS data related to the contested election in the 46th Congressional District.
- Requested information from the Superior Court of the State of California on individuals who were excused from jury service for non-citizenship.
- Requested assistance by the California Secretary of State in verifying the legality of certain votes from the November 1996 election in California's 46th Congressional District.
- Dear Republican Colleague distributed which clarified position on the report of the Ethics Reform Task Force.
- Disseminated Dear Colleague regarding franking guidelines for historical calendars.
- Distributed Dear Colleague with attachments, informing members of OSHA and ADA access issues.

October 1997

- Reviewed and analyzed language in the Defense Authorization Bill regarding military voters.
- Analyzed the FEC budget data for Fiscal Year 1997–1998.
- Researched upcoming FEC audit and electronic disclosure initiatives in FY 1998 Appropriations Bill.
- Responded to inquiries regarding campaign finance reform legislation. Distributed information on bills referred to the Committee and summaries of campaign finance reform bills from previous Congresses.
- Received and reviewed a legal opinion from House Counsel regarding the system for drug testing required by House Rules.
- Continued work on potential FASTforward contract for software license that would help accommodate new postal regulations.
- Reviewed and approved CAO's proposal on food service evaluation process.
- Worked with CAO to engage an Acting House Information Resource (HIR) Director.
- Oversaw the deployment of the House Messaging System along with Member, Committee and Leadership staff along with HIR, by finalizing plans for a fax gateway pilot, completing recommendations for providing encryption and digital signatures, and provided enhanced capabilities to manage Member schedules.
- Released Inspector General Report of investigation on allegations of possible wrongdoing by Congressional Research Service (CRS) employees pertaining to the distribution of CRS documents for publication.
- Worked with the Clerk of the House and Secretary of the Senate Task Force to implement a data standard for information exchange for the Legislative Branch.
- Reviewed draft 1996 Financial Audit of the House.

- Worked with Task Force regarding the Congressional Research Service on-line issue.
- Continued to review drafts of Bicentennial legislation.
- Continued to review drafts of the Commemorative Coin Bill for the Library of Congress Bicentennial.
- Reviewed and researched information on the Global Legal Information Network, a non-profit foundation of international government agencies which use the database of legal statutes, regulations and case law in the original vernacular housed in the Library of Congress, as the Library hopes to expand the number of countries that are members.
- Drafted legislation that would allow the Architect of the Capitol to accept the gift of a building facility for use as a National Conservation Audio-Digital Preservation Center.
- Researched permanent authorization of American Folklife Center.
- Worked with Architect of the Capitol staff to handle issues relating to the Capitol Visitor Center.
- Began weekly meeting with the new Architect of the Capitol to discuss pending issues.
- Processed vouchers for payment under the Federal Tort Claims Act, and the Military and Civilian Personnel Claim Act.
- Reviewed responses to requests for cooperation from the Federal Bureau of Investigation and Central Intelligence Agency regarding a request for disclosure of records accumulated by the House Select Committee on Assassinations regarding the murder of the Reverend Martin Luther King, Jr.
- Sent interrogatories to Robert K. Dornan, Michael Farber, Representative Loretta Sanchez, Wylie Aitken, John Shallman, Benny Hernandez, Nativo Lopez, California Secretary of State Bill Jones, and Orange County District Attorney Michael Capizzi.
- Responded to questions from the public and Member offices regarding the status of the investigation into the contested election in California's 46th Congressional District.
- Worked with the Los Angeles District Director of the Immigration and Naturalization Service to request assistance in verifying the legality of certain votes from the November, 1996 election in the 46th Congressional District of California.
- Drafted and served Committee subpoenas to Michael Farber, Nativo Lopez, and the Custodian of Records for Hermandad Mexicana Nacional.
- Corresponded with the Immigration and Naturalization Service to facilitate the procurement of INS data related to the contested election in the 46th Congressional District.
- Analyzed the records of individuals who may have illegally registered and voted in California's 46th Congressional District.
- Corresponded with the Orange County Superior Court of the State of California to request information on individuals who were excused from jury service because they were not citizens.
- Dear Colleague distributed to members, reminding them of 3rd quarter mass mail report to be submitted to the Finance Office.
- Disseminated Dear Colleague to members, reviewing the regulations governing mass mailing prior to an election.

- Distributed Dear Colleague in regards to allocation of Member and Committee expenses.

November 1997

- Discussed potential FEC audit and electronic disclosure initiatives in FY 1998 Appropriations Bill.
- Responded to inquiries regarding campaign finance reform legislation. Distributed information on bills referred to the Committee and summaries of campaign finance reform bills from previous Congresses.
- Responded to inquiries on Federal laws, House Rules and Committee regulations pertaining to the operation of Committees.
- Provided policy direction and oversight for the Office of House Employment Counsel.
- Continued work on potential FASTforward contract for software license that would help accommodate new postal regulations.
- Reviewed CAO's proposal on food service contracts and approved on November 25, 1997.
- Worked with CAO to engage an Acting House Information Resource (HIR) Director.
- Provided policy direction for and oversight of the CAO on various issues.
- Oversaw the deployment of the House Messaging System along with Member, Committee and Leadership staff along with HIR, by finalizing plans for a fax gateway pilot, completing recommendations for providing encryption and digital signatures, and provided enhanced capabilities to manage Member schedules.
- Worked with Task Force regarding the Congressional Research Service on-line issue.
- Reviewed draft of Bicentennial legislation.
- Reviewed Commemorative Coin Bill for the Library of Congress Bicentennial.
- Entered the Rules of Procedure of the Joint Committee on the Library into the Congressional Record.
- Accepted three portraits into the House's permanent collection:
 1. Portrait of Rep. Henry Gonzalez
 2. Portrait of Rep. Ron Dellums
 3. Portrait of Rep. Jack Brooks
- Responded to questions from the public and Member offices regarding the status of the investigation into the contested election in California's 46th Congressional District.
- Worked with Orange County, CA Registrar of Voters to make copies of voter registration affidavits.
- Corresponded with the Immigration and Naturalization Service (INS) Commissioner Doris Meissner to request photocopies of signatures.
- Worked with the Immigration and Naturalization Service to facilitate the procurement of INS data related to the contested election in the 46th Congressional District.
- Analyzed the records of individuals who may have illegally registered and voted in California's 46th Congressional District.
- Reviewed and analyzed language in the Defense Authorization Bill regarding military voters. Negotiated with Senate Conferees.
- Analyzed the FEC budget data for Fiscal Year 1997–1998.

- Disseminated Dear Colleague to state delegations, notifying members the prohibition of unsolicited mass mailings postmarked within 90 days of a primary or general election.
- Dear Colleague distributed to members regarding the authorized activities and use of official funds to support the objectives of a Congressional Member Organization (CMO).
- Disseminated Dear Colleague informing members about changes in information services.
- Distributed Dear Colleague which outlined a list of expenses the Finance Office will charge to 1997 Members' Representational Allowance (MRA).

December 1997

- Received responses from the Federal Bureau of Investigation and Central Intelligence Agency regarding a request for disclosure of records accumulated by the House Select Committee on Assassinations regarding the murder of the Reverend Martin Luther King, Jr.
- Reviewed memorandum prepared by House Counsel and the House Employment Counsel on legal issues relating to drug testing in the House.
- Processed requests for waiver under the Committee regulations on Reemployment of Military and Civilian Retirees to Meet Unique Employment Needs.
- Monitored legislation regarding notification of the D.C. government about constitution and improvements by the Architect of the Capitol.
- Monitored legislation regarding use of official mail in the location and recovery of missing children through December 31, 2002. (S. 1378 passed under suspension on November 12, 1997.)
- Processed a death gratuity for the heirs of a deceased employee of the Architect of the Capitol.
- Drafted regulations relating to lump sum payments in conjunction with the Committee on Standards of Official Conduct.
- Analyzed the FEC budget data for Fiscal Years 1997 and 1998.
- Researched potential FEC audit and electronic disclosure initiatives in FY 1998 Appropriations Bill.
- Reviewed and approved the new food services contract with Guest Services, Inc.
- Reviewed and approved the Postal Operations RFP.
- Approved the reclassification of positions.
- Continued work on potential FASTforward contract for software license that would help accommodate new postal regulations.
- Worked with CAO to engage an Acting House Information Resource (HIR) Director.
- Provided policy direction for and oversight of the CAO on various issues.
- Oversaw the deployment of the House Messaging System along with Member, Committee and Leadership staff along with HIR, by finalizing plans for a fax gateway pilot, completing recommendations for providing encryption and digital signatures, and provided enhanced capabilities to manage Member schedules.
- Approved permanent placement of statutes in the Capitol.

- Processed requests for waiver under the Committee regulations on Reemployment of Military and Civilian Retirees to Meet Unique Employment Needs.
- Monitored legislation regarding notification of the D.C. government about improvements by the Architect of the Capitol.
- Distributed Dear Colleague on lump sum payments.
- Responded to questions from the public and Member offices regarding the status of the investigation into the contested election in California's 46th Congressional District.
- Worked with Orange County, CA Registrar of Voters to make copies of voter registration affidavits.
- Corresponded with the Immigration and Naturalization Service (INS) Commissioner Doris Meissner to request photocopies of signatures.
- Worked with the Immigration and Naturalization Service to facilitate the procurement of INS data related to the contested election in the 46th Congressional District.
- Analyzed the records of individuals who may have illegally registered and voted in California's 46th Congressional District.
- Reviewed and analyzed language in the Defense Authorization Bill regarding military voters. Negotiated with Senate Conferees.
- Analyzed the FEC budget data for Fiscal Year 1997–1998.
- Dear Colleague distributed, notifying members the restriction on mass communications 90 days prior to a primary or general election.
- Update on House computer infrastructure disseminated through Dear Colleague.
- Distributed Dear Colleague, updating members on House computer services.
- Distributed Dear Colleague, announcing the new contractor to operate food services for the House.

SECOND SESSION

January 1998

- Notified Members who had introduced campaign reform legislation that was referred to the Committee that they would have the opportunity to testify on their proposed legislation.
- Corresponded with the Appropriations Committee and the Committee on House Oversight minority to establish procedure for the Federal Election Commission audit. Monitored the appointment process of Commissioners to the Federal Election Commission (FEC).
- Handled questions regarding compliance with the new Single Drop Mass Mail Obligation Requisition Form.
- Worked with Task Force regarding the Congressional Research Service on-line issue.
- Reviewed draft of Library of Congress Bicentennial legislation.
- Reviewed Commemorative Coin Bill for the Library of Congress Bicentennial.
- Approved permanent placement of statutes in the Capitol.
- Analyzed the records of individuals who may have illegally registered and voted in California's 46th Congressional District.

- Received material subpoenaed from the Orange County District Attorney who had seized it from Hermandad Nacional.
- Responded to questions from the public and Member offices regarding the status of the investigation into the contested election in California's 46th Congressional District.
- Began preparing materials for Contested Election report.
- Began preparing for the Task Force on the Contested Election in California's 46th Congressional District meeting and the Committee on House Oversight Business Meeting.
- Continued preparing for campaign reform hearings in February.
- Dear Colleague, announcing a seminar on rules and regulations regarding the 90 day pre-election ban on mass communications, distributed to members.
- Disseminated Dear Colleague, which informed members on procedural changes regarding requests for approval of mass mailings.

February 1998

- Analyzed the FEC budget data for FY 1997–98.
- Discussed FEC audit and electronic disclosure initiatives in FY 1998 Appropriations bill.
- Responded to inquiries from the public and Members of Congress regarding campaign reform legislation. Distributed information on bills referred to the Committee and summaries of campaign reform bills from previous Congresses.
- Responded to questions from Member offices regarding compliance with the new Single Drop Mass Mail Obligation Requisition Form.
- Analyzed the records of individuals who may have illegally registered and voted in the 46th Congressional District of California.
- Prepared the committee report on the CA 46 contested election.
- Coordinated the printing of the report on the CA 46 contested election.
- Responded to questions from the public and from Member offices regarding the status for the investigation into the contested election in the 46th Congressional District of California.
- Sent letters to the Contestant and the Contestee of the CA 46 contested election requesting information on legal fees incurred that may be reimbursable.
- Dear Colleague disseminated, informing member offices of a seminar on the rules and regulations regarding the 90 day pre-election ban on mass communications.

March 1998

- Responded to questions from Member offices regarding compliance with the new Single Drop Mass Mail Obligation Requisition Form.
- Approved the reclassification of nine USCP positions.
- Adopted updated version of the *Members' Congressional Handbook*.
- Distribution of Dear Colleague informing members of the established fee for use of the Attending Physician during 1998.

- Disseminated Dear Colleague, with attachments of information, regarding the traditional Congressional Intern Program.
- Dear Colleague distributed on the schedule for the Congressional Intern Program Lecture Series.
- Dissemination of Dear Colleague, urging members to vote for the Campaign Reform and Election Integrity Act.
- An update on campaign reform legislation was distributed through a Dear Colleague.

April 1998

- Held a mark-up on the FEC FY '99 Authorization bill.
- Approved the reclassification of nine USCP positions.
- Reviewed draft of Bicentennial legislation.
- Reviewed Commemorative Coin Bill for the Library of Congress Bicentennial.
- Dear Colleague distributed, reminding members 1st quarter mass mailing report to be sent to the Finance Office.
- Distribution of Dear Colleague, notifying members the date of New Member Orientation.
- Dissemination of a Dear Colleague to members, announcing an Office of Compliance briefing for House employing offices.
- Dear Colleague distributed to member offices, which provided regulations regarding the need to make changes to current equipment and furnishings inventory.

May 1998

- Handled problems of member offices regarding regulations pertaining to official allowances (MRA). In response to certain inquiries, the Committee created clarifying policy memoranda to the administrative offices of the House.
- Researched and produced reports pertaining to member remaining MRA balances for 1997.
- Worked with the CAO, the Architect and others on 106th transition.
- Provided general guidance on computer systems development projects.
- Provided general guidance on new restaurant contract implementation.
- Reclassified positions in HIR and Media and Support Services
- Analyzed and approved the CAO's recommendation to award the postal operations contract to Pitney Bowes.
- Reclassified positions in Office of the Clerk.
- Reclassified U.S. Capitol Police positions.
- Approved the acceptance of artwork for placement in the Capitol.
- Approved the release of JFK files that are in possession of the Congressional Research Service in accordance with the JFK Act of 1992.
- Coordinated with the Legislative Branch Subcommittee on FY 1999 appropriations matters and issues of mutual interest.
- Reviewed information related to current and future projects and exhibits under the direction of the Smithsonian Institution.
- Worked with Architect of the Capitol and Capitol Preservation Commission staff to discuss their plans for the Capitol Visitor Cen-

ter, Computer Assisted Facilities Management (CAFM) system, Plaza Security, Capitol dome restoration, employee buyouts and other initiatives.

- Worked with the Architect, the HOB Superintendent and others re fire safety in House office buildings.
- Coordinated House television programming with the engineering department.
- Worked with Architect of the Capitol and House Superintendent staff regarding proposed improvements to the House Recycling Program.
- Worked with the CAO, the Architect and others on 106th transition.
- Dear Colleague disseminated notifying members of the Year 2000 initiative in the House.
- Distribution of Dear Colleague regarding the development of a system to augment the delivery of Dear Colleagues to member offices.
- Updated House plans to retire certain House Information Resources' computer systems, distributed through a Dear Colleague.
- Dear Colleague distributed to members, notifying member offices of a special seminar on election year restrictions.

June 1998

- Oversaw systems development projects.
- Researched and oversaw new restaurant contract implementation.
- Reclassified positions in HIR and Media and Support Services.
- Directed the IG to a review of the fire safety in House Office Buildings and the House wing of the Capitol.
- Reviewed the LOC's investment policy regarding gift funds and trust funds.
- Reviewed legislative branch appropriations bill on LOC-related issues.
- Coordinated with the Legislative Branch Subcommittee on FY 1999 appropriations matters and issues of mutual interest.
- Worked with Architect of the Capitol and Capitol Preservation Commission staff to implement plans for the Capitol Visitor Center, Computer Assisted Facilities Management (CAFM) system, Plaza Security, Capitol dome restoration, employee buyouts and other initiate.
- Worked with the Architect, the HOB Superintendent and others on fire safety issues in House office buildings.
- Coordinated House television programming with the engineering department.
- Worked with Architect of the Capitol and House Superintendent staff regarding proposed improvements to the House Recycling Program.
- Dear Colleague distributed with the Schedule of 1998 Summer Intern Lecture Series.
- Dear Colleague disseminated, urging members' support for H.R. 3790, which would create two commemorative coins to celebrate the Library of Congress' bicentennial.
- Distribution of Dear Colleague, which included the revised lump sum payment authorization form.

July 1998

- Worked with the CAO, the Architect and others on 106th transition.
- Provided general guidance on systems development projects.
- Provided general guidance on new restaurant contract implementation.
- Reclassified positions in HIR and Media and Support Services.
- Reviewed legislative branch appropriations bill on LOC-related issues.
- Met with Architect of the Capitol and Capitol Preservation Commission staff to discuss their plans for the Capitol Visitor Center, Computer Assisted Facilities Management (CAFM) system, Plaza Security, Capitol dome restoration, employee buyouts and other initiatives.
- Worked with the Architect, the HOB Superintendent and others re fire safety in House office buildings.
- Coordinated House television programming with the engineering department.
- Adopted a resolution removing the internal “firewall” on mail from within the MRA structure.
- Notification of 2nd Quarter Mass Mailing report through a Dear Colleague.
- Disseminated Dear Colleague, informing member offices of the Year 2000 equipment check.
- Dear Colleague distributed, reminding members of the general election mass mailing cut-off.
- Distributed Dear Colleague informing members of a consideration of a Unanimous Consent agreement that would specify debate time limits for amendments to be considered on the Shays-Meehan substitute.
- Dear Colleague distributed to members regarding the use of Post Enumeration Surveys for the adjustment of intercensal population estimates.
- Dear Colleague, along with an attached memorandum from the Office of House Employment Counsel, distributed to members regarding sexual harassment in the workplace.

August 1998

- Researched and oversaw systems development projects.
- Reclassified positions in HIR and Media and Support Services.
- Reviewed proposals to address IG’s comments on the Gift Shop.
- Reclassified US Capitol Police positions.
- Met with Sergeant at Arms and the USCP to discuss security measures on the Capitol Campus.
- Directed the IG to a review of the fire safety in House Office Buildings and the House wing of the Capitol.
- Coordinated with the Legislative Branch Subcommittee on FY 1999 appropriations matters and issues of mutual interest.
- Worked with Leg Branch on the 1998 Emergency Supplemental Bill.
- Coordinated House television programming with the engineering department.

- Worked with Architect of the Capitol and House Superintendent staff regarding proposed improvements to the House Recycling Program. Met with the AoC to discuss the Dome renovation.
- Worked with AoC to discuss security measures and issues with the Visitors Center.
- Audit report regarding the House Superintendent's work order processing and cost containment on House Projects issued by the House IG.
- Initiated biennial operational audit of House Officer operations.
- Received Semi-annual reports from the three officers.
- Adopted updated version of the *Equipment User's Guide*.
- Adopted a Transit Subsidy Program for House employees.
- Disseminated Dear Colleague, informing of the change in billing structure for several telecommunications-related items.

September 1998

- Approved consultant contracts for the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.
- Approved Committee on the Judiciary consultant contracts.
- Worked with the Office of General Council to approve consultant contracts.
- Reviewed consultant contracts for the Committee on Education and the Workforce.
- Analyzed and reviewed USCP Premium and Longevity Pay Schedules.
- Reviewed Authorization for Fund Balance Adjustment.
- Researched and reviewed an Amendment to the Federal Election Campaign Act.
- Dear Colleague distributed to members with regards to printing of official stationery.
- Distributed Dear Colleague regarding the unprecedented access by the public to the House Internet system.
- Franking guidelines for historical calendars was disseminated through Dear Colleague.

October 1998

- Worked with House Committee on Appropriation, Senate Committee on Appropriations, Senate Committee on Rules and Administration, and House Committee on Transportation and Infrastructure to authorize and appropriate funding for the Capitol Visitors Center.
- Prepared for potential Contested Elections.
- Allocated funds from the Reserve Fund to the Committee on the Judiciary.
- Reviewed contested election consultant contracts.
- Preparation and organization for New Member Orientation Program.
- Dear Colleague distributed, informing members of the U.S. House of Representatives 105th Congress photograph.
- Dear Colleague distributed reminding of 3rd quarter mass mailing report to be sent to the Finance Office.
- Distributed Dear Republican Colleague regarding the census.

November 1998

- Prepared for transition to 106th Congress including preparation of the 106th Congress rules package.
- Issued the *Users' Guide to Equipment, Software, and Related Services*.
- Issued Universal Resource Locator Regulation for the HOUSE.GOV domain.
- Created and implemented a New Member Orientation Program for educating newly elected Members of Congress.
- Approved consultant contracts for the Committee on the Judiciary.
- Distributed Dear Colleague with Schedule of New Member Orientation and Republican and Democratic Organizational Meetings.
- Dear Colleague distributed notifying member offices of a briefing held by the Office of Compliance with regards to the Congressional Accountability Act.
- Updated the ongoing plans to retire MIN, ISIS, and LRS computer services by year-end; distributed through a Dear Colleague.
- Disseminated Dear Colleague, which informed members of the revised regulations governing what equipment is tracked on office inventory.

December 1998

- Operated Departing Member Service Center.
- Jointly approved two Congressional Accountability Act settlements.
- Established Transit Policy.
- Approved Contract Amendments for the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.
- Dear Colleague distributed, alerting member offices of a briefing on equipment maintenance.
- Notification of updates to the *User's Guide to Equipment, Software and Related Services*, distributed through a Dear Colleague.
- Disseminated Dear Colleague informing members the release of the 1999 MRA amounts in January.
- Dear Colleague disseminated, which provided an update on information technology and computer issues.
- Distributed Dear Colleague, notifying members and committees of the deadline to choose a Systems Integrator computer maintenance agreement.
- Dear Colleague distributed regarding the transit benefit program provided to House offices.

SUMMARY ON LEGISLATIVE ACTIVITIES

FIRST SESSION

The Committee met on February 11, 1997—Business Meeting

1. Considered H. Res. 85, Appointment of the House Members to the Joint Committee on the Library and Joint Committee on Printing. H. Res. 85 agreed to by voice vote and reported favorably to the House.

(a) Members of Joint the Committee on the Library are Mr. Thomas, Mr. Ney, and Mr. Ehlers for the majority and Mr. Gejdenson, and Ms. Kilpatrick for the minority.

(b) Members of the Joint Committee on Printing are Mr. Thomas, Mr. Ney, and Ms. Granger for the majority and Mr. Gejdenson and Mr. Hoyer for the minority.

2. Considered H. Con. Res. 11, A Ceremony in the Capital Rotunda to Commemorate the Days of Remembrance of the Victims of the Holocaust. H. Con. Res. 11 was agreed to by voice vote and reported favorably to the House.

3. Considered H. Res. 55, providing amounts for expenses for the Committee on House Oversight in the 105th Congress. H. Res. 55 was agreed to by voice vote.

The Committee met on March 5, 1997—Hearing on Committee Funding

Considered testimony on H. Res. 91, the Omnibus Committee Funding Resolution for the 105th Congress. The Committee heard testimony from the chairman and ranking minority members of the following House committees concerning their proposed budgets for the 105th Congress:

1. House Oversight Committee
 - Mr. Bill Thomas, Chairman
 - Mr. Sam Gejdenson, Ranking Member
2. Ways and Means Committee
 - Mr. Bill Archer, Chairman
 - Mr. Charles Rangel, Ranking Member
3. Small Business Committee
 - Mr. James M. Talent, Chairman
 - Mr. John L. LaFalce, Ranking Member
4. International Relations Committee
 - Mr. Benjamin A. Gilman, Chairman
 - Mr. Lee H. Hamilton, Ranking Member
5. Agriculture Committee
 - Mr. Bob Smith, Chairman
 - Mr. Charles W. Stenholm, Ranking Member
6. Judiciary Committee
 - Mr. Henry J. Hyde, Chairman
 - Mr. John Conyers, Jr., Ranking Member
7. Standards of Official Conduct Committee
 - Mr. James V. Hansen, Chairman
 - Mr. Howard Berman, Ranking Member
8. Transportation and Infrastructure Committee
 - Mr. Bud Shuster, Chairman
 - Mr. James L. Oberstar, Ranking Member
9. Veterans' Affairs Committee
 - Mr. Bob Stump, Chairman
 - Mr. Lane Evans, Ranking Member
10. Science Committee
 - Mr. F. James Sensenbrenner, Jr., Chairman
 - Mr. George E. Brown, Jr., Ranking Member
11. Intelligence Permanent Select Committee
 - Mr. Porter Goss, Chairman
 - Mr. Norman D. Dicks, Ranking Member

The Committee met on March 6, 1997—Hearing on Committee Funding

Considered testimony on H. Res. 91, the Omnibus Committee Funding Resolution for the 105th Congress. The Committee heard testimony from the chairman and ranking minority members of the following House committees concerning their proposed budgets for the 105th Congress:

1. Rules Committee
Mr. Gerald B.H. Solomon, Chairman
Mr. John Moakley, Ranking Member
2. Banking and Financial Services Committee
Mr. James A. Leach, Chairman
Mr. Henry B. Gonzalez, Ranking Member
3. Government Reform and Oversight Committee
Mr. Dan Burton, Chairman
Mr. Henry A. Waxman, Ranking Member
4. Resources Committee
Mr. Don Young, Chairman
Mr. George Miller, Ranking Member
5. Education and the Workforce Committee
Mr. William F. Goodling, Chairman
Mr. William Clay, Ranking Member
6. National Security Committee
Mr. Floyd Spence, Chairman
Mr. Ronald V. Dellums, Ranking Member
7. Commerce Committee
Mr. Thomas J. Bliley, Chairman
8. Budget Committee
Mr. John Kasich, Chairman
Mr. John Spratt, Ranking Member Rules Committee

The Committee met on March 12, 1997—Business Meeting

1. Marked-up H. Res. 91, providing amounts for the expenses of certain committees of the House of Representatives and funding the reserve fund for the One Hundred Fifth Congress.

(a) Mr. Thomas introduced an amendment in the nature of a substitute. The amendment in the nature of substitute was agreed to by roll call vote.

The Committee met on March 13, 1997—To Consider Reporting H. Res. 91, as amended on March 12, 1997, to the House

H. Res. 91, as amended, was reported favorably to the House.

The Committee met on April 24, 1997—Business Meeting

1. Considered H. Con. Res. 25, A Capitol Rotunda Celebration and Dedication of the Statute of Astronaut Jack Swigert to represent the State of Colorado in Statuary Hall. H. Con. Res. 25, as amended, was agreed to by voice vote and reported favorably to the House.

(a) An amendment was offered by Mr. Ney to remove printing requirements in the resolution. The amendment passed by voice vote.

2. Considered H. Res. 129, providing amounts for the expenses of committees of the House, excluding the Government Reform and

Oversight Committee and the Appropriations Committee, in the One Hundred Fifth Congress. H. Res. 129, as amended, was reported favorably to the House.

(a) Mr. Boehner offered an amendment in the nature of a substitute that was agreed to by voice vote.

The Committee met on May 14, 1997—Business Meeting

1. Considered S. Con. Res. 26, to allow for the use of the Capitol Rotunda on June 5, 1997 honoring Mother Theresa. The Resolution was agreed to by voice vote and reported favorably to the House.

SECOND SESSION

The Committee met on March 18, 1998—Markup on Campaign Reform Legislation

1. Considered H.R. 3485, Campaign Reform and Election Integrity Act of 1998. The Committee voted favorably to report H.R. 3581, the Campaign Reform and Election Integrity Act of 1998, to the House.

(a) Ms. Kilpatrick offered an amendment to H.R. 3485, to strike Title I. Amendment was defeated by a roll call vote of 3–5. Mr. Thomas, Mr. Ney, Mr. Boehner, Ms. Granger and Mr. Mica voted no. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted yes.

(b) Mr. Gejdenson offered an amendment to H.R. 3485, to strike Title V. The amendment was defeated by a roll call vote of 3–5. Mr. Thomas, Mr. Ney, Mr. Boehner, Ms. Granger and Mr. Mica voted no. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted yes.

(c) Mr. Gejdenson offered an amendment to H.R. 3485 to strike Title VI; the amendment was defeated by a roll call vote of 3–5. Mr. Thomas, Mr. Ney, Mr. Boehner, Ms. Granger, Mr. Ehlers and Mr. Mica voted no. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted yes.

(d) Mr. Gejdenson offered an amendment in the nature of a substitute to H.R. 3485. The amendment was defeated by a roll call vote of 2–5–1. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers and Mr. Mica voted no. Mr. Gejdenson and Mr. Hoyer voted yes. Ms. Kilpatrick voted present.

(e) Mr. Gejdenson offered a second amendment in the nature of a substitute to H.R. 3485; the amendment was defeated by a roll call vote of 2–5–1. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers and Mr. Mica voted no. Mr. Gejdenson and Mr. Hoyer voted yes. Ms. Kilpatrick voted present.

(f) Mr. Thomas offered an amendment in the nature of a substitute to H.R. 3485. Amendment passed by a roll call vote of 5–3. Mr. Thomas, Mr. Ney, Mr. Boehner, Mr. Ehlers and Mr. Mica voted yes. Mr. Gejdenson, Mr. Hoyer and Ms. Kilpatrick voted no.

The Committee met on April 30, 1998—Markup H.R. 3478

1. Marked-up H.R. 3478, the Federal Election Commission (FEC) FY '99 Authorization bill. H.R. 3478 passed by a roll call vote of 4–2.

(a) Mr. Gejdenson offered an amendment to H.R. 3478, which failed by a roll call vote.

Witnesses included:

1. Joan D. Aikens, Chairman, Federal Election Commission
2. Scott E. Thomas, Vice Chairman and Chairman, Finance Committee
3. Lee Ann Elliott, Commissioner.

The Committee met on July 30, 1998—Business Meeting

Agenda items 2, 3, 4, 5 and 7 were approved by voice vote en bloc.

1. Marked-up of H. Res. 506 providing Supplemental Expense Resolution for the Committee on Standards of Official Conduct. H. Res. 506 was approved by voice vote and reported favorably to the House.

2. Considered Committee Order No. 42, Unification of the Members' Representational Allowance.

Floor Activities

FIRST SESSION

March 20, 1997—The House considered H. Res. 91, Providing amounts for the expenses of all standing committees (excluding Appropriations) and the Permanent Select Committee on Intelligence of the House of Representatives and funding for the reserve fund for the One Hundred Fifth Congress. The Rule on the Resolution was defeated.

March 21, 1997—The House considered H. Res. 91, Providing amounts for the expenses of the Committee on Government Reform and Oversight and the reserve fund for the One Hundred Fifth Congress and providing a continuing resolution for all other committees, excluding Appropriations, until May 2, 1997, as amended by H. Res. 102. The Resolution passed by roll call vote.

March 21, 1997—The House considered H. Con. Res. 11, A Ceremony in the Capital Rotunda to Commemorate the Days of Remembrance of the Victims of the Holocaust, under unanimous consent. The Resolution passed without objection.

May 1, 1997—The House considered H. Res. 129, providing amounts for the expenses of committees of the House, excluding the Government Reform and Oversight Committee and the Appropriations Committee, in the One Hundred Fifth Congress, as amended. The Resolution passed by roll call vote.

May 7, 1997—The House considered H. Con. Res. 25, providing for acceptance of a statute of Jack Swigert, presented by the State of Colorado, for placement in National Statuary Hall, and for other purposes, under unanimous consent. The Resolution was passed by voice vote.

May 20, 1997—The House considered S. Con. Res. 26, to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa, under suspension of the Rules. The Resolution was passed by roll call vote.

July 25, 1997—The House considered H. Con. Res. 123, Providing for the use of catafalque in connection with memorial services to be conducted in the Supreme Court Building for the late honor-

able William J. Brennan, former Associate Justice of the Supreme Court of the United States.

September 15, 1997—The House considered under suspension of the rules H. Con. Res. 134, Authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew.

September 30, 1997—The House considered and passed H. Res. 244, Demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Election Contested Elections Act.

October 23, 1997—House Considered H. Res. 276, requiring that the Committee on House Oversight conclude the investigation into the Contested Election in California's 46th Congressional District within one week of the Resolution's passage. The resolution failed by recorded vote.

November 4, 1997—House tabled seven resolutions requiring that the Committee on House Oversight conclude the investigation into the Contested Election in California's 46th Congressional District within one week of the Resolution's passage.

November 5, 1997—House tabled fifteen resolutions requiring that the Committee on House Oversight conclude the investigation into the Contested Election in California's 46th Congressional District within one week of the Resolution's passage.

November 11, 1997—The House considered H.R. 2979, "To authorize acquisition of certain real property for the Library of Congress, and for other purposes", which will be used as the National Conservation Audio-Digital Preservation Center. The Resolution was passed under Suspension of the Rules.

SECOND SESSION

February 12, 1998—The House brought up H. Res. 355, Dismissing the Election Contest Against Loretta Sanchez. After one hour of debate on the resolution Mr. Hoyer offered a motion to recommit with instructions. His motion failed by a voice vote of 194–215. The resolution (H. Res. 355) was then approved by a recorded vote of 378–33.

March 30, 1998—The House brought up H.R. 3581, the Campaign Reform and Election Integrity Act of 1998. After one hour of debate on the resolution, the resolution failed by a vote of 74 to 337.

March 30, 1998—The House brought up H.R. 34, the Illegal Foreign Contributions Act of 1998. After one hour of debate on the resolution, the resolution passed by a vote of 369 to 43.

March 30, 1998—The House brought up H.R. 2608, the Paycheck Protection Act. After one hour of debate on the resolution, the resolution failed by a vote of 166 to 246.

March 30, 1998—The House brought up H.R. 3582, the Campaign Reporting and Disclosure Act of 1998. After one hour of debate on the resolution, the resolution passed by a vote of 405 to 6.

July 14, 1998—The House brought up H.R. 2183, the Bipartisan Campaign Integrity Act of 1997

July 27, 1998—The House brought up S. Con. Res. 112, Printing of Eulogies and Text of Memorial Services as Tribute to Detective

John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police. Mr. Thomas asked for unanimous consent, and there being no objection, the Senate concurrent resolution was concurred in.

July 27, 1998—The House brought up H. Con. Res. 311, Honoring the Memory of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police for their Selfless Acts of Heroism at the United States Capitol on July 24, 1998. Mr. Gingrich offered the concurrent resolution. After debate, the resolution was agreed to by a roll call vote, with 392 Members voting in the affirmative.

July 30, 1998—The House brought up H.R. 4354, To establish the United States Capitol Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police. Mr. Thomas asked for unanimous consent that the Committee on House Oversight and the Committee on Ways and means be discharged from further consideration of the bill. After debate, Mr. Thomas asked for unanimous consent to temporarily withdraw the bill. There was no objection.

August 3, 1998—The House voted on a Unanimous Consent Agreement, offered by Mr. Thomas, providing for additional debate on Shays Amendment to H.R. 2183, the Bipartisan Campaign Integrity Act of 1997. There was no objection.

August 4, 1998—The House took up H.R. 3790, the Library of Congress Bicentennial Commemorative Coin Act of 1998, an act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress, offered by Mr. Thomas. Mr. Castle offered a motion to suspend the rules and pass the bill; after debate, the rules were suspended and the bill, HR 3790 was passed.

August 5, 1998—The House took up H. Res. 506, an act providing amounts for further expenses of the Committee on Standards of Official Conduct in the second session of the One Hundred Fifth Congress; Mr. Ney asked for unanimous consent that the resolution be considered. The resolution was agreed to.

August 5, 1998—Mr. Thomas asked for an Unanimous Consent Agreement limiting further amendments and debate time during further consideration of H.R. 2183, Bipartisan Campaign Integrity Act of 1997; there was no objection to the request.

September 14, 1998—Mr. Ney asked for unanimous consent for the House to consider S. Con. Res. 115, regarding the printing of Capitol guides under S. Con. Res. 115. The Senate Concurrent Resolution was passed with unanimous consent.

September 18, 1998—Mr. Ney asked for unanimous consent for the House to consider H. Con. Res. 326, permitting the use of the Rotunda of the Capitol for presentation of the Congressional Gold Medal to Nelson Mandela. The concurrent resolution was agreed to.

September 28, 1998—Mr. Ney asked for unanimous consent for the House to consider H. Con. Res. 317, expressing the sense of Congress that Members of Congress should follow the examples of self-sacrifice and devotion to character displayed by Jacob Chesnut and John Gibson of the United States Capitol Police. The concurrent resolution was agreed to.

October 6, 1998—Mr. Thomas asked for unanimous consent for the House to consider H.R. 577, permitting official photographs of the House of Representatives to be taken while the House is in actual session. The resolution was agreed to.

October 8, 1998—The House took up H.R. 2109, Campaign Finance Sunshine Act of 1998, an Act to amend the Federal Election Campaign Act of 1971, offered by Mr. Cook. Mr. Mica offered a motion to suspend the rules and pass the bill; after debate, the rules were suspended and the bill, H.R. 3790, was passed.

October 8, 1998—The House took up H.J. Res. 131, an act waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for the fiscal year 1999, offered by Mr. Solomon. The joint resolution was agreed to.

MINORITY VIEWS

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A. RESERVE FUND STEWARDSHIP

In the 105th Congress, the Republican Majority amended clause 5(a) of Rule XI of the rules of the House to allow the biennial committee funding resolution to contain a "reserve fund for unanticipated expenses of committees." Under this new rule, the House no

longer had to be accountable for allocating supplemental committee funds. Now it would take only a simple majority vote of the House Oversight Committee to allocate supplemental funds. The House Oversight Committee is a “leadership” committee, and the Republicans hold a super-majority on the Committee (6 Republicans to 3 Democrats), ensuring Republican leadership control.

The Republican amendment authorizing the creation of a reserve fund greatly undermined the viability of clause 5(b) of the rule, which provides authority for the House Oversight Committee to report supplemental expense resolutions in the course of a Congress to meet unanticipated needs. Such resolutions are handled in the same form as a normal committee funding resolution and must be reported from the committee and adopted in the House. The temptation to use the new reserve fund, as expected, effectively short-circuited the supplemental funding process because it allowed committee chairman to dispense with such inconveniences as consultation with the Democratic Minority, hearings, committee reports, and House votes. The House Oversight Committee approved eight reserve fund allocations during the 105th Congress, with only one supplemental funding resolution considered by the committee and adopted in the House.

In previous congresses there was no reserve fund for committees. Nonetheless the then-Republican Minority frequently referred to the authority of the Committee to authorize disbursements from various House accounts, as constituting a “slush fund.” This Republican-coined term is certainly appropriate to describe the operation of this new form of committee funding during the 105th Congress. The primary committee funding resolution for the 105th Congress placed \$7.9 million in the reserve fund, of which \$7.56 million was allocated to various committees during the Congress without a single vote in the House.

In practice, the “unanticipated expenses” described by the House rule largely constituted partisan investigations conducted by the Committee on Government Reform and Oversight and the Committee on Education and the Workforce, as well as foundation-laying and last-minute funding for the Judiciary Committee’s inquiry into impeachment. In many cases, it is clear that the Republican anticipated such investigations prior to adoption of the primary committee funding resolution, and the existence of a reserve fund served as a subterfuge to allow the Majority on committees to reduce their initial budget requests and to hide their true intentions. The Minority on such committees was often not even notified, much less consulted, prior to the chairmen submitting their reserve fund requests.

Once the reserve fund was established, the House Oversight Committee essentially abdicated its responsibility, clearly spelled out in Rule XI, to review the justification for, and to police the use of the reserve fund. The Majority chose instead to cede the actual authority to decide on the allocation of the reserve funds to the Speaker of the House, an official who is nowhere mentioned in the rule and who has never had any responsibility for committee funding. In adopting the Committee’s internal guidelines governing how reserve fund requests were to be submitted by the chairmen of other committees, the Majority stated that the Committee’s role

was essentially ministerial, i.e. to ensure that complete information was forwarded to the Speaker, and after Speaker approval, to authorize the funds without any hearings, witnesses, presentations by the requesting committee, or any serious examination by House Oversight of the merits of the requests. By so ceding the Committee's responsibility, the Committee's Majority converted the reserve fund into what some have characterized as the Speaker's slush fund, thereby eliminating public accountability and House participation in deciding how to use the \$7.9 million in committee funds.

Unlike this Committee, the Speaker lacks the time or expertise to evaluate all of the complex details behind committee funding requests, and to compare such requests with each other and with other funding priorities. If the reserve fund is to be continued in House rules, the House Oversight Committee must take seriously its ultimate responsibility for the disbursements, provide full notification and consultation with the House Oversight Minority, hold hearings which would require committee chairmen to justify their requests publicly, allow the ranking minority members of committees and other interested parties to testify, and file a report with the House justifying its actions.

A more basic solution to the concerns which gave rise to the reserve fund might be to return to annual committee funding resolutions—a process which worked well and provided complete accountability until the Republicans changed House rules at the beginning of the 104th Congress. The Majority's experiment with only a single resolution for the entire Congress has undermined our oversight of committees, and led to such backdoor funding practices as the Speaker's slush fund. Examining committee agendas and funding needs as an annual basis would eliminate the sudden appearance of so-called "emergency" or "unanticipated" needs, while allowing the full House more input.

Whether the House retains the biennial funding process, or returns to annual committee funding, the now-deserted supplemental funding process (which fully addresses committee emergencies and unanticipated needs), already contained in House rules, is both an adequate and an appropriate replacement for the partisan slush fund process. Using the supplemental funding process, in lieu of the slush fund process, provided much needed accountability and House participation in addressing committee emergencies and unanticipated needs.

B. CAMPAIGN FINANCE REFORM AND FEDERAL ELECTION COMMITTEE FUNDING

I. CAMPAIGN FINANCE REFORM: CHO FAILED TO ADDRESS SERIOUS PROBLEMS

Common wisdom holds that no single law can permanently solve all the problems associated with the finance of federal campaigns. The most comprehensive reform measure will, over time, lose its effectiveness as candidates, contributors, and party operatives discover loopholes that allow them to raise, spend, and give sums of money far in excess of what the law permits. Fortunately, this axiom of money and politics has been mitigated by Rule X of the Rules of the House of Representatives, which gives the Committee

on House Oversight jurisdiction over “measures relating to the raising, reporting and use of campaign contributions for candidates for office of Representatives in the House of Representatives, of Delegate, and of Resident Commissioner to the United States from Puerto Rico.” At any time, the Committee may report fresh legislation that closes loopholes as they open, ensuring that yesterday’s reforms do not degenerate into a license for campaign excess harmful to the public interest.

The House Oversight Committee failed to take its campaign finance reform duties seriously in the 105th Congress. Notwithstanding an explosion of soft money expenditures by both major parties in the 1996 elections, without question the most serious threat to clean campaigns in a generation, the Committee ignored campaign finance until October 1997, when it finally held the first of seven hearings in which members testified on reform bills they had introduced. While a positive start, these hearings ultimately served no purpose beyond furnishing members a forum in which to be heard on the topic and providing the Majority a basis for claiming that it was keeping the Speaker’s promise to give reform a chance. Moreover, these hearings were scheduled with only minimum public notice, excluded outside experts, and did not systematically explore the pervasive soft money problem.

When the Committee finally decided to mark-up campaign reform legislation on March 18, 1998, it gave the Minority only 48 hours notice¹ and did not provide copies of the Chairman’s mark until the afternoon of the meeting.² With less than two hours of deliberation, during which the Minority’s Shays-Meehan substitute banning soft money was rejected, the Majority recommended by straight party vote the Chairman’s mark—later numbered H.R. 3485 (“Campaign Reform and Election Integrity Act of 1998”). Far from extending existing federal limits to soft money contributions, H.R. 3485 audaciously proposed preserving most of the soft money loopholes,³ tripling hard money contributions,⁴ intimidating recently naturalized U.S. citizens from exercising their right to vote,⁵

¹ On Monday, March 16, 1998 at 1:30 PM, the Minority members of the House Oversight Committee were informed that at 4:00 PM the following Wednesday the committee would convene to mark-up “campaign reform” legislation. The Majority provided no information concerning what bill would be marked-up or what issues might be addressed.

² On Wednesday, March 18, 1998 at 12:37 PM—less than 4 hours before the 4:00 PM mark-up—the Minority members were provided one copy of the Majority “campaign reform” bill, H.R. 3485. The Minority members and their staff were given less than an afternoon to copy, distribute, and analyze a bill that ran 51 pages and contained 9 titles. During the mark-up, the Majority had the temerity to chide our good-faith attempts to improve this bill, suggesting that our amendments seemed rushed. In fact the chiding should have been self-directed.

³ H.R. 3485 perpetuates the flow of unregulated “soft money” by ignoring soft money activities by State and local parties that have an indirect but decided effect on Federal elections.

⁴ H.R. 3485 would have raised most of the contribution limits set forth in the Federal Election Campaign Act (“FECA”). Title VI (Revision and Indexing of Certain Contribution Limits and Penalties) proposed increases that defy the public’s wish to reduce political money. For example, a wealthy individual currently can contribute a total of \$25,000 per year to candidates, PACs, and parties combined. Under the Republican bill, that same person could have contributed \$75,000, a 200% increase. Further, the bill would have doubled the maximum individual contribution in a federal election, from \$1,000 to \$2,000. Finally, the increased limits were indexed to ensure that they automatically rise further—and that they continue to do so forever. This would have ensured that wealthy contributions never lost their influence.

⁵ H.R. 3485 would have had a chilling effect on recently naturalized citizen voters by creating unnecessary obstacles on their way to the voting booth. In Title V, the Republicans attempted to intimidate and silence minority populations who disagree with Republican priorities. Was it merely coincidental that the “ballot integrity” pilot program in the bill focused on the 5 states

and imposing onerous requirements on groups that have the right to engage in political activities on behalf of their dues paying members.⁶ H.R. 3485 was not genuine campaign finance reform. In fact it represented a dramatic retreat from the current broken system.

Our criticisms of H.R. 3485 were loudly echoed by reform-minded members of both parties. Indeed, opposition to the Committee measure became so wide that as the House prepared to consider reform on March 30, 1998 under suspension of the rules, the Chairman pulled H.R. 3485 only minutes before the debate and introduced H.R. 3581, a slightly modified version that the Republican leadership incorrectly anticipated would attract the support of party moderates who had vowed to oppose the Committee measure. Like H.R. 3485, H.R. 3581 proposed significant increases in hard money contributions and did not comprehensively ban soft money. It was soundly defeated.

For the balance of the 105th, CHO abdicated its campaign finance responsibilities. We remain convinced that this abdication contributed to the anarchic floor consideration of campaign finance in the summer of 1998. To be sure, the Shays-Meehan bill banning soft money was ultimately adopted by the House of Representatives on August 6, 1998, by a resounding 252–179. It is essential to note, however, that the House Oversight Committee did nothing to help the full House make its will felt on this important reform measure. We hope that in the 106th Congress, the Committee will take its institutional responsibilities seriously and expedite passage of Shays-Meehan early in the first session.

II. FEDERAL ELECTION COMMISSION

Proper funding of the Federal Election Commission (“FEC” or “Commission”) is itself a reform issue. Consistent with their opposition to meaningful reform of any kind, the Majority Members of House Oversight refused to take the reform-minded stance on FEC funding in the 105th when they ordered reported H.R. 3748 on June 2, 1998. This authorization measure, reported out of the Committee on a straight party line vote but never brought to the floor for consideration, would have: (a) granted the FEC insufficient resources to enforce the current law; and (b) undermined the FEC’s statutory independence. We expect the Majority to resurrect these unwise proposals in the 106th Congress, and we urge members to announce their opposition to them early next year.

(a) Majority granted the FEC insufficient resources to enforce the current law

H.R. 3748 would have cut 10 percent from the Commission/OMB budget request of \$36.5 million. Moreover, it proposed holding in escrow an additional \$2.8 million of the authorized \$33.7 million

with the largest Hispanic populations (Texas, Florida, California, New York, Illinois)? We think not.

⁶H.R. 3485 not only would have made working families more irrelevant to the system by increasing the power of the wealthy, it would have also taken away what little power they do have by attacking the American labor movement. In Title I, Republicans targeted working families who freely choose to organize and join together to fight for health care, education, pensions, safer workplaces and other important issues which the Republicans have refused to address in this Congress. Make no mistake, this was an effort to punish the American labor movement for supporting working families, and for opposing the priorities of the Republican Leadership.

until the Commission adopted new case management procedures, a justification for which the Majority failed to offer during the markup. In effect, H.R. 3748 guaranteed the FEC only \$30.9 million in fiscal year 1999, exactly the same as its 1998 budget.

We found it inconsistent that even as the Republican-controlled House and Senate complained about fundraising abuses in the 1996 elections, they were unwilling to grant the Commission a budget sufficient to investigate allegations of abuse and enforce the very laws they claimed were broken, or at a minimum authorize an appropriation that kept pace with the annual inflation rate.

(b) Majority sought to undermine the FEC's statutory independence

H.R. 3748 included a provision specifically designed to remove the incumbent general counsel and staff director from their positions and deprive the offices in which they serve of the independence essential to investigating allegations of campaign abuse. With respect to the general counsel, this was nothing less than a Republican vendetta precipitated by his efforts to carry out the Commission's directed investigation of possible violations of the Federal Election Campaign Act.

We believe the proposed procedures for appointing a staff director and general counsel, and new terms of office for them, if adopted, would have been an unwise encroachment on the prerogatives of an independent agency whose commissioners can decide for themselves, in a bipartisan fashion, what best serves the agency in carrying out the law.

(c) Conclusion

Strangely, the Republican Majority's response to the public's desire for campaign finance reform of any kind was to resist the easiest of all reforms: giving the Federal Election Commission the funds, staff, and independence it needs to enforce existing laws.

Plainly, the Majority wanted to have it both ways. On the one hand, it wanted to criticize the Commission for not fulfilling its statutorily required duties and, on the other, sought to reduce the Commission's resources so that it could not fulfill its duties. It is our view that if the 106th Congress wants the FEC to do its job well, whether it be investigation, computerization, or disclosure, it must authorize adequate funds for these purposes.

C. CONTESTED ELECTIONS: DORNAN VS SANCHEZ

I. INTRODUCTION

Without question, one of the saddest legacies of the 105th Congress was the intensely partisan and arbitrary manner in which the Majority members of the Committee on House Oversight investigated the 1996 contested election in California's 46th Congressional District between Democratic Rep. Loretta Sanchez and Republican incumbent Robert K. Dornan. This continued a worrisome pattern of excessive partisan zeal and unprofessional conduct that began in the 104th Congress, when several Democratic incumbents elected by narrow margins were subjected to frivolous investigations which failed to produce any evidence of irregularities.

The Minority urges the Committee in the 106th Congress to undertake a bipartisan review of the process for handling future contests, should they truly warrant proceeding beyond a motion to dismiss. The Committee should design a process that ensures fairness to all the parties to the contest, to all members of the Committee, and to the constituents whose representational rights are best served by a just and efficient resolution of such contests when they involve their own congressional districts.

II. BACKGROUND

Loretta Sanchez defeated Rep. Dornan, the Republican incumbent, by 979 votes in November 1996. Based on allegations that later proved false, the Majority initiated an investigation, which lasted until February 1998—three times as long as that of the celebrated Indiana case of *McCloskey v. McIntyre*—before grudgingly admitting that Rep. Sanchez had indeed won. But the majority also attempted to cast aspersions on her victory with numerous unsubstantiated allegations directed at the conduct of the election, culminating in a claim that 748 illegal votes had been cast. Astonishingly, the majority kept its methodology secret, refusing—in clear violation of the rules of the House—to allow the minority to examine committee records which might have proved that the majority manipulated the numbers in an effort to justify the excessive costs of its investigations and a year of hyperbolic press releases intended to discredit California’s growing bloc of Hispanic voters.

III. FEDERAL CONTESTED ELECTION ACT BEFORE THE 105TH: A SYSTEM THAT WORKED

For the 30th time since the adoption of the Federal Contested Election Act (“FCEA” or “Act”) in 1969, the House of Representatives was asked to exercise the authority vested in it by the United States Constitution and make the final decision as to a disputed election for one of its seats. Prior to the 105th Congress, no committee of the House faced with such an election contest, even those where the margin of victory was as small as twenty-one votes, had ever denied a contestee’s motion to dismiss, until the Dornan-Sanchez contest. And in nearly three decades, no committee hearing a challenge brought under the FCEA had ever failed ultimately to find for the candidate certified by their state as the winner of the election. The fact that this was the ultimate result in Dornan-Sanchez as well can not justify the tortuous path the majority chose before acquiescing in this result.

There were several reasons for these overwhelmingly consistent precedents prior to the 105th, including: the deference that the House had accorded state election challenge procedures; the fact that the FCEA places high burdens on contestants seeking to overturn elections; and the clear requirement that the contestant do more than make allegations of misconduct, but instead show “credible” evidence that the elections result was erroneous and that the state was wrong in certifying the winner. But perhaps the most compelling reason why no challenge had ever proceeded past the motion to dismiss phase had been the respect that the House had shown for the democratic electoral processes administered under constitutional authority vested in the states, and the recognition

that only with great hesitancy and compelling need should a small number of elected federal officials eviscerate the voices of hundreds of thousands of people expressed through the democratic process.

The American electoral process is not perfect, and this election was no exception. But it is not its perfection that makes our democratic system the envy of the world. It is instead the fundamentally human—and thus sometimes imperfect—nature of the process whereby citizens express their will, through a system administered by citizens, whereby we choose individuals who will govern us. In many ways this system is no more perfect than the people who make it up at every stage, but it is nevertheless the core of self-governance.

The Republican majority, in its zeal to find any wisp of irregularity in the 46th District, essentially dismissed the House's earlier longstanding precedents as, in effect, a dereliction of duty because the House in the past had refused to undertake unnecessary investigations in the absence of evidence and the failure of contestants to meet the requirements of the FCEA needed to move their cases forward. The majority adopted the mindset that fraud is widespread in modern American elections—a viewpoint unsubstantiated by any historical record—and that the House had an obligation to investigate unsubstantiated charges of the most irresponsible kind.

IV. FEDERAL CONTESTED ELECTION ACT IN THE 105TH: DISREGARD FOR PRECEDENT, DISDAIN FOR MINORITY RIGHTS, DESCENT INTO CHAOS

The Committee conducted the contested election in the 105th Congress according to a philosophy and mandate that disregarded nearly three decades of precedents. To be sure, there may have been mistakes, problems, or even illegalities in the election in the 46th District of California, as in many other elections. But our system provides many ways for dealing with such problems without having a few elected federal officials in Washington invalidate the people's process. In this case, the District Attorney of Orange County, the California Secretary of State, and the U.S. Immigration and Naturalization Service undertook inquiries into allegations of misconduct or irregularities. Indeed, the Contestant in this case made no showing which called for any appropriate action other than that undertaken by these authorities.

As we detail in the Minority Views in House Report 105–416, which accompanied House Resolution 355 (dismissing the election challenge against Rep. Sanchez), the Majority failed to follow established processes as provided in FCEA. In their place the Majority created a process that was partisan, unilateral, and arbitrary. The effect of this action was to steer the contested election process into uncharted waters, with no agreed-upon plan and no bipartisan discussions to guarantee fairness and timely notice to all the parties affected by committee actions. We remain especially troubled by five features of the contested election as it was investigated by the Majority, and urge future Congresses to treat them as temporary aberrations, not as precedents.

(1) The Majority conducted its investigation in secret, behind closed doors, and without any input from the Committee's Minority Members. Indeed the Contested Election Task Force's Minority Member, Rep. Hoyer of Maryland, never saw the suspect list of 'il-

legal non-citizen voters,' nor did he have the opportunity prior to the final meeting to ask his Majority counterparts why they were confident the suspect list was sound and unimpeachable. Efforts by the Minority Members and their staff to study the list, which both Task Force Chairman Ehlers and Committee Chairman Thomas unconditionally promised to the Minority following the adoption of the resolution dismissing the election contest, were blocked by the Majority staff for the balance of the 105th Congress, notwithstanding clause 2 of House Rule XI (see Appendices A and B).

(2) The Minority's independent analysis confirmed that the Majority improperly inflated the number of allegedly 'illegal' votes cast in the election. The Majority referenced in House Resolution 355 whole categories in its final number of disputed votes for which they could not establish any 'illegalities,' ignoring evidence they themselves subpoenaed from INS categorically proving otherwise (see Appendix C)

(3) The Majority ignored Committee precedent by failing to dismiss Contestant's notice of election contest when Dornan did not show any 'credible' evidence that the outcome of the election should have been different. (see Appendices D and E)

(4) The Majority disregarded precedent in refusing to proportionally reduce their total number of "disputed" votes to account for the inability to know for which candidate voters cast these votes (see Appendix F).

(5) The Majority arbitrarily abandoned two decades of committee practice by improperly reimbursing the contestant Dornan for attorneys' fees—a practice shunned by the committee in the past because it encouraged, as in this case, frivolous election contests to be filed. Moreover, the Majority failed to consult with the Minority both as to its change of policy and the amount of money involved. This action proved too much for the Task Force chairman, Rep. Ehlers of Michigan, who voted "present" at the committee meeting at which the payment was authorized in time for Dornan to make use of it in his 1998 campaign. (see Appendix G)

V. CONCLUSION

The Minority full supported the dismissal of Contestant Dornan's election contest against Contestee Sanchez. However, we have strong concerns regarding the process the Majority used to extend the election contest beyond the time warranted. First, the costs of the election contest to the Contestee, Contestant, and U.S. taxpayers exceeded one million dollars. Second, the Committee spent valuable time and resources on a matter that should have been resolved in a shorter time frame and at considerable less cost. Third, Rep. Sanchez' first term of service to the people of Orange County was disrupted by the need to constantly monitor and respond to an ever-changing series of allegations from Dornan and attacks by the Majority members of the Committee. Fourth, the Majority constantly denied the Minority the basic fairness of sharing information in a timely manner and providing notice of Committee actions.

The Minority has strong concerns that this election contest may establish an unwelcome precedent of extending election contests beyond the stages of investigation of the claim and a contestee's motion to dismiss. The Majority should have found that Dornan's No-

tice of Election Contest did not present “credible” evidence to survive Sanchez’ Motion to Dismiss.

Conducting full investigations of any election with close results, simply because it was close, will threaten our nation’s democratic processes.

The Majority included numerous categories of voters in its final number of “suspect” voters when they could not establish that these voters cast illegal ballots. Their refusal to share their analysis and establish a joint database to agree on the status of individual voters made it impossible for the Minority and Majority to work from an identical list. Finally, even after reaching its final number of 748 improper votes, the Majority did not recognize Committee precedent and proportionally reduce these votes according to the number of votes each candidate received in specific precincts. Indeed, the Majority assumed without any justification that all such votes would be deducted from Rep. Sanchez’ total. Its action in this regard could have established a dangerous precedent of changing the outcome of an election without regard to the true number of suspect votes necessary to produce this result.

In sum, what should have been a short and orderly process conducted under the FCEA, the rules of the House and decades of Committee precedents dissolved into chaos. The Majority demonstrated that not only would it not conduct a fair investigation, but that its mindset that Republican candidates of the past had somehow been deprived of election through fraud made it incapable of doing so. Despite the fact that the correct result was ultimately achieved, and that the Majority’s conduct created widespread public disgust in California, which undoubtedly contributed to Rep. Sanchez’ landslide re-election victory over Mr. Dornan in 1998, the process cannot be excused. The House, and the country, had a narrow escape. The fortuitous absence of any election contests following the 1998 general election for the House of Representatives will, we hope, allow a period of cooling off and further reflection about these events by all Members and prevent a recurrence of such behavior in future contests.

SAM GEJDENSON.
STENY H. HOYER.
CAROLYN C. KILPATRICK.

APPENDIX A

House Rules stipulate that all committee records are the “property of all Members of the House”

Clause 2(e)(2) of Rule XI states:

All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any Member, officer, or employee of the House, no Member of the House (other than a member of such committee) shall

have access thereto without the specific, prior approval of the committee.

Notwithstanding his membership in the House of Representatives and service as the only minority member of the Dornan-Sanchez Contested Election Task Force, Rep. Steny Hoyer was denied access to Committee records that, according to the Majority, showed there were 748 instances of voter fraud in the 1996 election in California's 46th Congressional District.

APPENDIX B

Rep. Hoyer's appeal to the Speaker of the House for access to committee records, along with a chronology of unsuccessful attempts to see records

HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 1998.

Hon. NEWT GINGRICH,
The Speaker,
House of Representatives

DEAR MR. SPEAKER: I write to advise you of my grave concerns regarding the majority's persistent refusal to allow me access to the results of the House Oversight Committee's investigation into the late election contest filed against Representative Sanchez by former Representative Dornan, which support its recommendation that the contest be dismissed. I believe this refusal is a violation of the rights guaranteed all Members by clause 2(e)(2) of House Rule XI.

Some background might be useful for you to understand the situation. At the February 4, 1998, final meeting of the House Oversight Committee task force on the contested election, majority staff testified that the task force had found 748 instances of "Documented Evidence of Illegal Voting" (see enclosed chart presented to the task force). On this basis, the task force voted to recommend dismissal of the contest, which recommendation the committee adopted. The committee ordered reported House Resolution 355, and filed its report (H.R. Rept. 105-416) citing the finding of 748 illegal votes; the House later adopted H. Res. 355. At no time have I, or any member of the minority, ever seen the list of 748 illegal voters, despite my repeated requests and despite reliance upon the report by the committee, and by the House, in the exercise of its constitutional responsibility to decide election contests. I specifically requested at the final meetings and since, and received from Chairman Thomas and Representative Ehlers, assurances that I would have access to the list of 748 illegal voters. But my staff, and I personally, have been denied access as the enclosed "Access Chronology" shows.

This is unacceptable. If I am unable to receive this information, I will have no course available other than to appeal the matter to the House. I would hope this will not be necessary.

Recently, I met with California Secretary of State Bill Jones to discuss the issues presented by Chairman Thomas' having transmitted to him recently a list, developed during the task force investigation, of 1,499 persons whom he suspects of illegally registering to vote in California. The Secretary expressed his strong desire to

review the list to determine how many of those persons might not belong on voter rolls, so appropriate action may be taken. I share the Secretary's desire to proceed expeditiously in this important inquiry, and I offered him any assistance I could provide. Obviously, my assistance would be much more valuable to him once I have had an opportunity to review and analyze the committee records and findings, to which I have sought, and been promised, meaningful access for months.

In his May 13, 1998, transmittal letter to Secretary of State Jones, Chairman Thomas characterized the list as "confidential information compiled by the Committee pursuant to its constitutional and statutory responsibilities to investigate contested federal elections." He advised Secretary Jones that the "information remains under the control of the United States House of Representatives," that the "Committee reserves all interests in such information," admonished him to "protect the Committee's interest therein, and to release or disclose such information only as specifically authorized by the Committee." These statements constitute a clear and correct acknowledgment that the records compiled by the committee in the course of this investigation are committee records within the meaning of the rule. The records cannot be committee records to the California Secretary of State, but not to a Member of the House of Representatives.

The rights of all Members of the House are at stake, and I am sure that you, as the Speaker and as a former member of the minority, recognize the importance of the situation. I would be delighted to discuss this matter at your convenience, and to work with your good offices toward a satisfactory resolution of this issue in the interests of preserving whatever comity remains in this session.

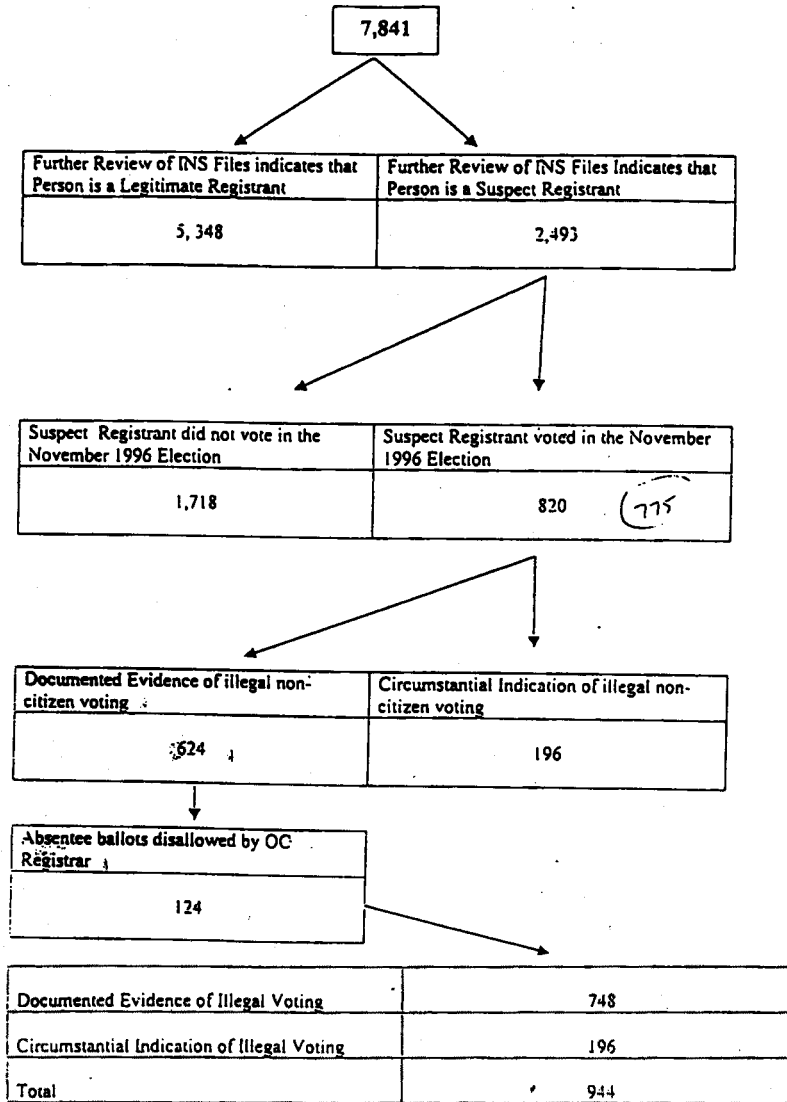
With every good wish, I remain

Yours truly,

STENY H. HOYER.

Encls.

Original Number of Suspect Votes



“ACCESS” CHRONOLOGY

2/4/98 (Wednesday)

- Task Force recommends dismissal of contested election after reporting 748 cases of “Documented Evidence of Illegal Voting.” Full Committee adopts recommendation. Both Chairman Thomas and Chairman Ehlers indicate to Mr. Hoyer that Minority staff can review the 748 cases of “Documented Evidence of Illegal Voting.”
- Immediately after the meeting, Minority staff asked Majority staff for access to the 748 list. Owing to the late hour, Majority staff asked if the Minority staff review could wait until the following day (Thursday).

2/5/98 (Thursday)

- Majority staff sets up folders comprising the 748 list, but refuses to allow Minority staff to make note of any individual on the 748 list. Before examining any folders, Minority staff withdraws to check with Mr. Hoyer regarding conditions of access to which Mr. Hoyer may have agreed. Mr. Hoyer indicates no conditions were imposed and no conditions were agreed to.

2/6/98 (Friday)

- Majority staff does not return repeated phone calls or office visits by Minority staff. Minority staff remains in the Minority office through 11 pm awaiting Majority response.

2/7/98–2/9/98 (Saturday–Monday)

- Majority staff does not return earlier phone calls or office visits by Minority staff. Minority staff remains in the Minority office from 8 am to midnight on Saturday and Sunday awaiting Majority response. The Majority staff does not respond during office hours on Monday despite the filing of the Minority Views in the Majority Office at noon on Monday.

2/12/98 (Thursday)

- House adopts H. Res. 355 dismissing the contested election, the preamble of which states:
“Whereas the evidence of illegal voting comes from the following sources: the Registrar of Voters of Orange County has indicated that 124 absentee ballots were cast illegally in the November 1996 General Election; and the Committee on House Oversight’s comparison of Immigration and Naturalization Service records and Orange County voter registration records provides evidence that more than 600 additional votes were illegally cast in that election.”

4/?/98

- Mr. Hoyer asks Chairman Thomas (in a chance encounter in a hallway) about Minority access to the 748 list. Chairman Thomas indicates that the committee records are being “deconstructed,” but that a mutually agreeable solution can be worked out.

5/5/98 (Tuesday)

- Mr. Hoyer meets with Majority staff (Chairman Thomas was absent due to family illness) which offers only to discuss methodol-

ogy and access to “samples” of the original materials on which the Committee based its conclusion that 748 persons had voted illegally in the election. Mr. Hoyer rejects Majority-controlled selective access and insists upon full access. Majority staff asserts the 748 list is “work product” to which he has no right of access, rather than full Committee records accessible under House Rules.

5/11/98 (Monday)

- Majority staff invites Minority staff to review the 748 list, but again refuses to allow Minority staff to make note of any individual on the 748 list. Minority staff will be allowed only to “eyeball” the folders of individuals on the 748 list, and to ask questions about why each individual was included on the list. Minority staff withdraws as inconsistent with access assurances given to Mr. Hoyer by Chairman Thomas.

5/12/98 (Tuesday)

- Majority staff delivers a computer diskette containing 1,499 names whom the Majority staff asserts were not citizens on the day they registered to vote in Orange County, and some of whom are on the 748 list. Minority staff indicates that it is not a complete list of the 748 people on the Majority described as “illegal voters.” Minority staff renewed Mr. Hoyer’s request for access to the 748 list.

6/5/98 (Friday)

- Minority staff requests Majority staff to provide the 748 list in any convenient form, and Minority staff volunteers to create the 748 list from the 748 folders and to provide the list to the Majority. Majority staff indicates that it will check with Chairman Thomas, but never subsequently provides the list or the promised access.

APPENDIX C

Using records furnished by the Immigration and Naturalization Service and the Orange County Registrar, the Minority staff discovered incontrovertible evidence that the Majority list of “illegal non-citizen voters” was inflated

Excerpts from remarks prepared by Representative Hoyer following discovery of legal citizen voters on Majority “Suspect Voter List”:

Mr. Speaker, eight months ago, on recommendation of the House Oversight Committee, this House dismissed the longest active election contest in recent memory, and finally acknowledged that Representative Sanchez won her seat fair and square.

Though the House reached the correct result, it was a precedent-setting case, and I considered it important to check the committee’s work for accuracy. Since I had been excluded from meaningful participation in the committee’s deliberations, I asked to review the records supporting its findings. Those findings could lead to changes in election laws. They would also be relevant to the unsettled issue of attorneys’ fees for the parties. I also believed it was my right under House rules to examine the records.

To date, I have been denied that right in violation of House rules. There is only one logical explanation. I have been stonewalled because the majority knows their evidence cannot withstand scrutiny. They could not let me review their evidence because they knew I could discredit their report that 624 voters were not citizens when they registered.

What have they done with their report? Recently the chairman sent the California Secretary of State 1,499 names of persons he claims illegally registered, for possible removal from voter rolls. That list is inherently flawed, and here's why.

This is a worksheet provided to the committee by the Immigration and Naturalization Service during the investigation. The name and INS alien number on this sheet, which I have deleted for privacy purposes, match those on the list of 1,499. Orange County records show the person described on this sheet voted in 1996.

Why is this voter on the list? This INS worksheet clearly shows that the person was a naturalized citizen before he registered to vote. The answer is obvious: in their zeal to justify unseating Ms. Sanchez, the Republicans were careless. They failed to use all the materials provided to them by the INS. There are others like this.

What this means is that the Republicans' claim of substantial election fraud is not supported by evidence which they are willing to have reviewed. And the proof is that they won't permit inspection of the records. No one, not the minority in this House, not the press, not the public, can see just how superficial and incomplete was the Republican investigation.

Worse yet, Republican, used this unsupportable claim to justify a transfer of \$320,525.90 from the United States Treasury to Bob Dornan's treasury to fund his 1998 campaign.

Mr. Speaker, this shoddy investigation was aimed at overturning the 1996 election in the 46th district of California. Now the majority has embarked on an impeachment investigation aimed at overturning the 1996 presidential election. Republicans want the American people to believe that investigation will be thorough, fair and bipartisan. In truth it will likely be no more thorough, fair or bipartisan than this one was.

The only way the Republicans can create confidence in their report in *Dornan v. Sanchez* is to open the records to inspection and defend them. The only way they can prevent this intolerable result in the future is to open the process to bipartisanship and cooperation. We shall see what they choose to do.

APPENDIX D

Contestee's motion to dismiss should have been granted because contestant did not carry forward a claim to the seat

Recognizing the need for the House to avoid becoming a forum for frivolous election challenges of any and all complaints as to any irregularity in the election process, the drafters of the FCEA included a jurisdictional requirement to ensure that only contestants raising legitimate outcome-determinative claims would be heard by the House. Thus, only contestants who can and do claim a right to a contestee's seat may be heard. In the case at hand, where Mr.

Dorman failed to make a claim for Contestee's seat, the contest should have been dismissed immediately upon examination of Contestant's initial claim.

1. Statutory and Precedential Requirements

The FCEA requires the contestant to present a claim to the seat. "The notice of contest should also claim right to the contestee's seat, as the contestee may, at his option, assert the failure to claim right to the seat as a defense under the provisions of 2 U.S.C. 383(b)(4)".⁷ In *Tunno v. Veysey*, supra, the case was dismissed, in part, because the contestant, by failing to even attempt to show how the irregularities complained of resulted in his having been wrongfully denied a victory in the election, "[did] not carry forward his claim to the seat".⁸ Without the critical claim that the irregularities or other matters complained of resulted in the Contestant being denied an otherwise rightful victory, the Committee on House Oversight would become not a constitutional adjudicator of legitimate election contests, but instead a mere investigatory committee charged with uncovering various and sundry allegations of election-related violations of state and federal law.

2. Contestant Made Only "Claims" That Should Have Been Pursued in Other Forums

In his Notice of Election Contest, the Contestant did not allege that he won the election on November 5, 1996. The Contestant similarly did not claim that he was entitled to Contestee's seat. Therefore, the Contestant's contest should have been dismissed for Contestant's failure to make a specific claim for the seat in question.

This is not to say that the Contestant did not make claims of any kind. Mr. Dornan raised numerous allegations about potential violations of state and federal election laws and procedures. While it was highly questionable whether any of these allegations were based on adequate facts, it was, regardless, the very nature of these claims that demonstrates most clearly the very purpose of the jurisdictional requirement that the contestant make a claim for the contestee's seat. All other complaints regarding election irregularity should have been, and in several instances were, pursued by other authorities. However, the appropriate authority for such claims is not the Committee on House Oversight pursuant to its constitutional obligation to determine the ultimate victor in an election contest.

Mr. Dornan's claim was not that he won the election—a proper question under the FCEA and a proper question for the Committee on House Oversight. Instead, Mr. Dornan complained about alleged irregularities that at the time he filed his notice of contest were being investigated by the District Attorney and by the California Secretary of State. In addition, the Immigration and Naturalization Service was involved regarding potential matters within its jurisdiction, and had federal criminal matters been implicated, certainly

⁷ Deschler's Precedents, Ch. 9, Sec. 22.

⁸ H.R. Rept. No. 92-626 at 6.

the Department of Justice could have pursued such allegations.⁹ These are the forums in which the “claim” made by Mr. Dornan could have been heard. The Committee should not have confused Mr. Dornan’s numerous “claims” with the important jurisdictional requirement that he make a specific claim that he had right to be the Congressman from the 46th District of California. By doing otherwise, the Committee was needlessly burdened with repetitive investigations and inquiries not contemplated by the Federal Contested Elections Act that were contemporaneously investigated by numerous other state and federal authorities.

APPENDIX E

Contestee’s motion to dismiss should have been granted because contestant failed to state sufficient grounds to change the result of the election

Even if Mr. Dornan had stated a claim to Contestee’s seat and had passed the jurisdictional threshold for this Committee to consider this contest, the contest should have nevertheless been dismissed because he failed to put forth sufficient “credible” evidence that if true would “likely” change the result of the election.¹⁰ Mr. Dornan’s allegations, even if viewed in a more deferential light than required under the FCEA, fell far short of this standard.

1. Applicable Standard

Numerous precedents make clear that Contestant Dornan had a significant burden of proof to demonstrate that the matters he alleged were based on credible evidence and that such conduct changed the outcome of the election.¹¹ The Contestant’s evidence had to overcome the presumptions that official returns are prima facie evidence of the regularity and correctness of an election and that election officials had legally performed their duties.¹² The Contestant faces a high threshold in attempting to put forth such “credible” evidence as to the outcome of the election:

It is perhaps stating the obvious but a contestant for a contest for a seat in the House of Representatives is a matter of most serious import and not something to be undertaken lightly. It involves the possibility of rejecting the certified returns of the state and calling into doubt the entire electoral process. Thus the burden of proof placed on the contestant is necessarily substantial.¹³

Mere allegations, such as allegations of fraud, are not sufficient; a contestant must show evidence that the results of the election changed because of such behavior.¹⁴

⁹ Indeed, as the Committee on House Oversight did in the Rose case, the task force could have granted Contestee’s motion to dismiss and passed the information provided by the parties to the Department of Justice for review of potential election law violations.

¹⁰ See, e.g., *Anderson v. Rose*, supra, at 6–7.

¹¹ See, e.g., *Wilson v. Hinshaw*, supra, at 3–4.

¹² See *Chandler v. Burnham*, supra, at Sec. 47–4; *Gormley v. Goss*, H.R. Rep. No. 73–893 (discussed in 2 Deschler’s Precedents, Ch. 9, 47.9 (1977)).

¹³ Tunno, supra, at 10.

¹⁴ See, e.g., *Rose*, supra, at 6.

Similarly, as the Republican dissent noted in *Young v. Mikva*, “the motion to dismiss will be granted unless contestant has made allegations sufficient to justify the Committee’s conclusion that grounds have been presented which if proven would change the result of the election.”¹⁵ In *Pierce v. Pursell*, *supra*, the Republicans voted to dismiss where “Mr. Pierce [was] unable to allege any specific irregularities justifying the conclusion that the result of the election was in error . . .”¹⁶ Another formulation of this standard by which the Committee must judge Mr. Dornan’s evidence was stated in *Tunno v. Veysey*, *supra*. The Tunno case presented a set of facts that, while the inverse of the case at hand, provide an identical flaw in the Contestant’s case. In Tunno, the Contestant claimed that numerous persons’ registrations were disallowed and, impliedly, that such persons would have voted for the Contestant.¹⁷ Just as Mr. Tunno did not make the necessary allegation that such voters would have voted for him, Mr. Dornan did not show that such voters voted against him, thus there was no adequate showing that the election outcome would have differed. In dismissing the contestant’s claim in Tunno, the Committee noted that the requirement that the contestant put forth ‘substantiating evidence’ that the election result was affected “carries with it the implication that the contestant will offer proof of such nature that the House of Representatives acting on his allegations alone could seat the contestant.”¹⁸ Contestant Dornan’s allegations fell far short of this standard, just as did Mr. Tunno’s.

2. Even Considered in a Most Favorable Light, Contestant’s Initial Allegations Were Insufficient to Change the Result of the Election

As discussed above, in recent years Republicans and Democrats have differed as to the degree and sufficiency of proof that must be offered by a contestant in order to survive a motion to dismiss. However, Mr. Dornan’s allegations did not satisfy either standard. In *Anderson v. Rose*, applying the more contestant-friendly Republican standard, the Committee still dismissed the claim even though the allegations called “into question the validity of more specific ballots than the margin of victory” . . . [because the] number of votes potentially affected by credible allegations is far below [the margin].¹⁹ Indeed, “on numerous occasions where allegations made in the contest were either vague, improbable on their face, or insufficient even if true to place the election in doubt, Republicans have supported dismissals.”²⁰ Mr. Dornan’s allegations regarding the number of votes that this Committee should have considered to be in question are “vague, improbable on their face, [and] insufficient even if true to place the election in doubt.”²¹

¹⁵ H.R. Rep. No. 95-244 at 9 (1977).

¹⁶ H.R. Rep. No. 95-245 at 4 (1977) (supplemental views).

¹⁷ Mr. Dornan alleged that numerous people were registered who should not have been, and impliedly, that such persons voted for Mr. Dornan’s opponent.

¹⁸ Tunno, *supra*, at 10.

¹⁹ Rose, *supra*, at 12.

²⁰ *Id.* at 11.

²¹ *Id.*

a. Contestant's Initial Numbers Failed to Satisfy His Burden

In his Opposition to Contestee's Motion to Dismiss, Contestant cited numerous categories of votes that because of alleged irregularities occurring in registration and voting, are somehow claimed to be tainted. Contestant implied that when aggregated, the numbers overcame his margin of defeat. Contestant attempted to aggregate these numbers despite the fact that they were redundant, and despite the fact that some of the numbers represented voter statistics across all of Orange County (almost five congressional districts) without any showing as to whether the alleged activities pertained to voters in the 46th Congressional District, and for those that might have, which candidate the votes might have affected. In short, Contestant failed to show that the irregularities would have produced enough votes in his favor to change the outcome of the election.

Therefore, even assessing Contestant's evidence in a most favorable light, it is a simple matter of arithmetic that there is a lack of "credible" evidence that would "likely" change the result of the election. The Committee should have granted Contestee's Motion to Dismiss without delay.

APPENDIX F

The majority was poised to disregard well-established committee precedent requiring the use of proportional deduction to apportion disputed votes

1. Introduction

The Federal Contested Election Act does not provide the positive law to be applied by the Committee in rendering a final decision in an election contest. The FCEA governs only the process, and not the substance, in disposing of election contests.²² Because the FCEA "was meant to install a procedural framework without changing substantive precedent of the House,"²³ in determining the rules and standards to apply in evaluating the evidence gathered by the Committee and reaching a substantive decision as to the outcome, the Committee must look, with strong inclination toward *stare decisis*, to House precedents.

The Majority presented "documented evidence" of 748 illegal votes upon approving a motion to dismiss to conclude the election contest.²⁴ The Majority continued to present its evidence as if it only had to present a number of votes greater than the Contestee's margin of victory to demonstrate that the outcome of the election should be questioned. However, there is no way to determine for which candidates these voters cast their ballots. The Committee²⁵ cannot determine which voters cast improper votes without violat-

²²The Act "is strictly limited to setting up a procedural framework for prosecution defense and disposition of an election challenge * * * H. Rept. 91-569, accompanying H.R. 14195 cited in U.S.C.A.N., 91st Cong., 1st Sess., 1969 at 1459.

²³See H. Rep. No. 104-852, 104th Cong., 2d Sess., Dismissing the Election Contest Against Charlie Rose, at 8 (1996) (hereinafter "Rose").

²⁴This number ignores the Majority's blatant arithmetic error discussed above, whereby the Majority improperly inflated the number of illegal votes by 45.

²⁵Throughout this portion of the Minority views the term "Committee" refers to the House Committee on Oversight and its predecessors that dealt with election contests.

ing the Constitutional and statutory provisions protecting the secrecy of the ballot. Even if the individuals agreed to disclose for whom they voted, this testimony might not be accurate, as external factors could influence individual's public testimony to differ from the votes they cast at the polls in secrecy. House precedents applying remedies for treating irregularities in the votes cast in previous elections indicate that, although there may be several possible remedies for addressing contested votes, the Committee would be required use the proportional reduction method to reduce the number of suspect votes.

Under proportional reduction, the number of questioned votes are reduced, precinct by precinct, in the inverse proportion to the candidates' percentages in that precinct. For example, if there are a number of votes from across a district that are in question, and 10 of those votes were cast in Precinct A, and in Precinct A there were 100 votes cast, with candidate X receiving 80 votes (80 percent), and candidate Y receiving 20 votes (20 percent), then you would subtract 8 votes (80 percent of 10) from candidate A's total of 80 and 2 votes from candidate B's total of 20 to give a new vote result in Precinct A of 72 votes for candidate X and 18 votes for candidate Y. This process would be carried on for each precinct where questioned votes were cast and then votes totals across the district would be added up to determine the winner of the election.

2. Prior Election Contest Precedents Indicate That Proportional Deduction Is the Appropriate Remedy to Apportion The Disputed Votes

In the most recent election contest considered by the House of Representatives prior to Contestant Dornan's challenge, the Committee on House Oversight discussed several potential remedies available for contestants successful in "establishing convincing evidence of irregularities or fraud * * *"²⁶ In that election contest, involving Representative Charlie Rose, the Committee set forth in the appropriate remedies for election contests as: (1) proportional deduction of the improper votes; (2) exclusion of entire contaminated precincts; or (3) ordering a new election.²⁷ It found that selection of the appropriation remedy depended on whether the allegations could be proven and the extent to which the alleged conduct impacted upon the apparent victory of the contestee.²⁸

Examination of the three categories of remedies as they have been used in prior election contests demonstrates that proportional deduction is the appropriate remedy for voting irregularities caused by voters. In prior election contests, the Committee excluded the returns of individual precincts only where the facts demonstrated that election officials engaged in improper conduct of irregularities strongly indicated fraud. The Committee appears to have rarely, if ever, formally recommended a new election and considers such a remedy to be extreme in nature.

²⁶ See H. Rep. No. 104-852, 104th Cong., 2d Sess., Dismissing the Election Contest Against Charlie Rose, at 7 (1996) (hereinafter 'Rose Contest').

²⁷ Id. at 7-8.

²⁸ Id. at 8.

a. Requiring a New Election Would Have Been Inappropriate
In the Perfect Election Contest Because This Remedy Is
Rarely Used And It Was Possible to Determine The Win-
ner Without Holding An Entirely New Election

In the Rose Contest, the Committee stated that “an entirely new election is proper if the contamination of votes makes the winner of the election virtually impossible to determine.”²⁹ This view was prefaced in *Tunno v. Veysey*,³⁰ where the Committee commented that:

Declaring a vacancy in the seat is one of the options available to the House of Representatives and is generally exercised when the House decides that the contestant, while he has failed to justify his claim to the seat, has succeeded in so impeaching the returns that the House believes that the only alternative available to determine the will of the electorate is to hold a new election.³¹

Thus, the limited precedents on declaring a new election suggest that such action should only be taken where the returns are so contaminated that an accurate determination of the winner would be impossible. Use of this remedy requires irregularities beyond even the high threshold required for the exclusion of precincts. In several prior election contests, the Committee believed that the violations of election laws were substantial enough so that the true outcome of the election could not be determined.³² However, the Committee did not resort to the extreme remedy of ordering a new election. This remedy has rarely, if ever, been used and the present case does not represent the type of widespread fraud that might justify such an extreme remedy.

Most importantly, as discussed above, the Contestant did not produce evidence indicating that there are sufficient improper votes to change the outcome of the election.³³ Since such evidence has not been presented, the Committee should not consider ordering a new election. In fact, since the Contestant cannot establish that there are more votes in question than the Contestee’s margin of victory, he cannot even support a claim that there exists any doubt as to the true winner of the election. Such a situation is analogous to the election contest of Salts or Major, where the Committee found it unnecessary to consider any remedy because, even if all the disputed votes were awarded to the Contestant, it would not alter the outcome of the election.

²⁹ Rose Contest at 7–8.

³⁰ H. Rep. No. 92–626, 92d Cong., 1st Sess. (1971).

³¹ Id.

³² See discussion of *Chandler v. Bloom*, *Farr v. McLane* and *Paul v. Harrison*, in sections I.B, I.D, infra.

³³ Additionally, there appears to be a lesser percentage of alleged improper votes in the present case than in previous cases in which the Committee found that the outcome of the election could not be determined. See discussion of *Chandler v. Bloom*, *Farr v. McLane* and *Paul v. Harrison*, in sections I.B, I.D, infra.

b. Committee Precedents Dictate That The Remedy of Excluding Entire Precincts Should Only Be Used When An Accurate Vote Count Cannot Be Obtained Due to Widespread Illegal Activities or Fraud

In general, the Committee has used the remedy of excluding entire precincts when the extent of illegal votes affected the total vote count in the precincts to such a degree that an accurate count could not reliably be obtained. Unlike the proportional deduction cases, these cases did not involve a limited number of votes from precincts, but involve widespread fraud or illegal activities, usually on the part of election officials.

In *Hill v. Palmisano*,³⁴ the Committee resorted to excluding the votes of entire precincts after finding “the conduct of the election board in this precinct with respect to the custody, count, tally, and certification of ballots was in total disregard of and disobedient to the provisions of the laws of the State of Maryland.”³⁵ The Committee found severe violations of state election laws including: (1) false and fraudulent vote tally sheets; (2) the vote count was unreliable and uncertain; (3) the vote count was tainted with fraud because candidates’ workers participated in the count; (4) false and fraudulent returns; (5) the certificate of election was filled out with blanks left before the polls even closed; (6) unauthorized persons counted the ballots; (7) the method of counting the ballots was unreliable and presented opportunities for tampering; and (8) election officials falsified returns with regard to state constitution and city ordinance referendum questions on the ballot. The Committee concluded that the opportunity to substitute ballots, coupled with the desire to substitute ballots, was sufficient justification to believe that some substitutions occurred. Most importantly, the Committee believed that exclusion of the precincts would serve as a refusal to condone election officials’ violations of the law.

The Committee also invoked the remedy of excluding entire precincts in *Chandler v. Bloom*³⁶ where it found:

* * * utter complete, and reckless disregard of the provisions of the election laws of the state of New York involving the essentials of a valid election, and the returns of the election boards therein are so badly tainted with fraud that truth is not deductible therefrom, and that it can be fairly said that there was no election held in said election districts.³⁷

The Committee detailed egregious violations of the state election laws to support its conclusion including: (1) stolen ballots; (2) improperly constituted board of election inspectors; (3) persons voting multiple times; (4) electioneering too close to the polls; (5) unsworn persons handling ballots; (6) intimidation of poll workers; (7) drunkenness by the head of the board of election inspectors; (8) in-

³⁴ See Deschler’s Precedents, Vol. 2, Ch. 9 App., Sec. 7.4 (discussing *Hill v. Palmisano*, H. Rep. 1901 Part 2, 71st Cong., 2d Sess. (1930)).

³⁵ Id. at 877.

³⁶ See Deschler’s Precedents, Vol. 2, Ch. 9 App., 4.2 (discussing *Chandler v. Bloom*, H. Rep. 224, 68th Cong., 1st Sess. (1924)).

³⁷ Id. at 789.

spectors with knowledge of stolen ballots failing to report such illegalities; and (9) torn, erased, and mutilated ballots.

In *Salts* or *Major*³⁸ the Committee found it unnecessary to decide the contestee's claim that an entire precinct should be excluded because the contestee would win regardless of whether the votes of the precinct were counted. However, the Committee stated that precedent clearly supported taking this action, since election officials had not placed the registration number of the individual voters on their ballots as required by state law.

The Committee deviated from its traditional use of the remedy of excluding precincts in the contests of *Tague v. Fitzgerald*,³⁹ where the irregularities involved illegal registration. Bar tenders, liquor dealers, and municipal employees registered to vote, even though they did not reside in the districts in which they registered, in order to be able to vote on issues affecting their livelihoods. The Committee excluded the returns of entire districts where the vote was so tainted with fraud or irregularity that a true count could not be taken, despite the fact that there was no evidence of misconduct on the part of the election officials. The Committee dismissed using the remedy of proportional deduction because it believed: (1) the number of fraudulent votes exceeded the number of legal proven votes in the districts; (2) the conditions producing the fraudulent votes did not cause them to be cast pro rata; and (3) it would establish a bad precedent and inadequate remedy, especially because it would result in the election of the contestant. Eventually the Committee declared the seat vacant.

Prior election contest precedents do not support excluding entire precincts from the vote count in the current contest. This case does not involve fraud or misconduct on the part of the election officials, as was the case in *Paul v. Harrison*, *Farr v. McLane*, *Hill v. Palmisano*, *Chandler v. Bloom*, and *Tague v. Fitzgerald*. Nor is there any evidence of widespread disregard for the election laws of the state of California. In the present case, unlike *Tague v. Fitzgerald*, the Contestant did not allege that there were a greater number of fraudulently cast votes than legally valid votes. Thus, excluding entire precincts would have been too extreme a remedy to apportion the disputed votes in the present contest.

c. The Committee Has Relied on Proportional Reduction in Analogous Situations to Contestant Dornan's Election Challenge

Proportional deduction involves determining the number of improper votes in a precinct and reducing the number of votes from each candidate on a pro rata basis according to the percentage of the vote each candidate received in that precinct. In *Oliver v. Hale*,⁴⁰ the Committee determined that 109 absentee and physical disability ballots should be rejected on the basis of several different categories of violations by voters—including the fact that a portion

³⁸ See Deschler's Precedents, Vol. 2, Ch. 9 App., 2.4 (discussing *Salts* or *Major*, H. Rep. 961, 66th Cong., 2d Sess. (1920)).

³⁹ See Deschler's Precedents, Vol. 2, Ch. 9 App., 2.1 (discussing *Tague v. Fitzgerald*, H. Rep. 375, 66th Cong., 1st Sess. (1919)).

⁴⁰ See Lewis Deschler, Deschler's Precedents of the United States House of Representatives, 94th Cong., 2d Sess., H. Doc. No. 94-661, Vol. 2, Ch. 9, Sec. 57.3 (discussing *Oliver v. Hale*, H. Rep. 2482, 85th Cong., 1st Sess. (1958)) (hereinafter "Deschler's Precedents").

of the 109 individuals were not registered or qualified to vote. The Committee believed that it was not possible to match the invalid absentee ballots to particular votes cast by identified voters. Citing Committee precedent, the Committee proceeded to use the proportional deduction method to apportion the votes in question.

The Committee stated a 'general rule' for using proportional deduction in *Macy v. Greenwood*.⁴¹ The Committee found that the Board of Election Commissioners properly determined that 932 votes challenged on the basis of failing to meet a durational residency requirement were in fact valid. However, the Committee stated that had it found "the 932 votes illegally cast, the votes presumably would be deducted proportionally from both candidates according to the entire vote returned for each. This is the general rule when it cannot be ascertained for which candidate the illegal votes were cast."⁴¹ The Committee also indicated that in the absence of fraud, charges of irregularities as to registration would not invalidate votes. In *Roush or Chambers*,⁴³ the Committee once again applied "the general rule in the House for deduction of illegal votes where it is impossible to determine for which candidate they were counted"⁴⁴ to attribute 42 absentee ballots that had been illegally cast. The Committee stressed its long history of using proportional deduction in such circumstances.

The Committee used proportional deduction to apportion the illegal votes of non-citizens in *Bailey v. Walters*,⁴⁵ including aliens who had never been naturalized and would not disclose for whom they voted. The Committee subtracted the votes of non-citizen voters who testified for whom they voted from the appropriate candidates' totals. For non-citizen voters who exercised their Constitutional right not to disclose their vote, the Committee used proportional deduction to attribute their votes.

Proportional deduction would have been the appropriate remedy for attributing the disputed votes in the present contest. In past election contests, the Committee has used proportional deduction to attribute votes in similar situations to the present contest. In *Bailey v. Walters*, the Committee determined that proportional deduction was the proper remedy to attribute the votes of certain non-citizens. Similarly, in *Oliver v. Hale* and *Roush v. Chambers* the Committee used proportional deduction to attribute small numbers of absentee ballots, 109 and 42, respectively. The 932 votes at issue in *Macy v. Greenwood*, which the Committee could have attributed using proportional deduction, are similar to the votes that may be at issue in the present controversy because both situations involve deficient registrations, while neither situation involves fraud.

⁴¹ See Deschler's Precedents, Vol. 2, Ch. 9, Sec. 56.4 (discussing *Macy v. Greenwood*, H. Rep. 1599, 82nd Cong., 2d Sess. (1952)).

⁴² Id. at 572.

⁴³ See Deschler's Precedents, Vol. 2, Ch. 9, Sec. 59.1 (discussing *Roush or Chambers*, H. Rep. 513, 87th Cong., 1st Sess. (1961)).

⁴⁴ Id. at 602.

⁴⁵ See Deschler's Precedents, Vol. 2, Ch. 9 app., Sec. 5.4 (discussing *Bailey v. Walters*, H. Rep. 1450, 69th Cong., 1st Sess (1926)).

d. The Nature and Severity of the Alleged Election Law Violations Required the Committee to Use the Remedy of Proportional Deduction Rather Than the Exclusion of Precincts

In at least two election contests, the Committee used a combination of the remedies of proportional deduction and exclusion of entire precincts to resolve election contests. These contests highlight the differences between the two remedies and demonstrate why proportional deduction is the appropriate remedy in the present contest. The Committee rejected the votes of entire precincts in *Paul v. Harrison*⁴⁶ because “there was such an utter, complete, and reckless disregard of the mandatory provisions of the fundamental law of the State of Virginia involving the essentials of a valid election, that it can be fairly said that there was no legal election in those precincts.”⁴⁷ The Committee found that there were violations of the Constitutional and statutory requirements of secrecy of the ballot, laws requiring keeping the ballot box view; and the counting and disposition of ballots. While the Committee found these violations to be egregious enough to warrant exclusion of entire precincts, it indicated that instances of illegal registration or the non-payment of poll taxes, where the Committee could not determine for whom individual voters voted, should be attributed using proportional deduction.

Similarly, in *Farr v. McLane*⁴⁸ the Committee addressed an election contest containing a wide range of violations including: (1) unregistered voters casting ballots; (2) names appearing on the voted tape for persons who had not cast ballots; (3) individuals voting who were minors or had not paid the mandatory poll tax; and (4) the placement of fraudulent ballots in the ballot box. The Committee found that for the majority of the 1,006 illegal votes, there was no way to determine for which candidate the votes were cast. It determined that in the districts in which there was conclusive evidence of fraud on the part of the election officials, precedent justified rejecting the entire vote of these precincts. The Committee emphasized that in these precincts not only had persons been permitted to vote who had not registered, but there was evidence of other fraud and collusion on the part of election officials. Where there was solely evidence of persons voting who had not registered, the Committee used proportional deduction to reduce the votes of each candidate pro rata.

These contests clearly demarcate the line between the remedies of proportional deduction and the exclusion of precincts. Unlike the present contest, both *Paul v. Harrison* and *Farr v. McLane* involved violations of election laws by election officials. These violations contributed to an overall disregard for the applicable election laws not present in the current contest. In such instances, the Committee relied on the exclusion of entire precincts. Contestant Dornan did not suggest that California election officials violated

⁴⁶ See Deschler's Precedents, Vol. 2, Ch. 9 App., Sec. 3.6 (discussing *Paul v. Harrison*, H. Rep. 1101, 67th Cong., 4th Sess. (1922)).

⁴⁷ Id. at 770.

⁴⁸ See Deschler's Precedents, Vol. 2, Ch. 9 App., Sec. 2.7 (discussing *Farr v. McLane*, H. Rep. 1325, 66th Cong., 3d Sess. (1921)).

applicable election laws and thus the Committee properly did not resort to excluding entire precincts.

Paul v. Harrison and *Farr v. McLane* also addressed the issue of improper registrations, the only violation Contestant claimed in the current contest. In both these contests, the Committee determined that proportional reduction was the proper remedy to apportion the ballots of voters who had improperly registered. The Committee should have adhered to its determinations in prior contests and used proportional reduction in the present contest to apportion the disputed ballots of voters who allegedly registered improperly.

APPENDIX G

Reimbursement of Attorney's Fees

An analysis of election contests between the years 1980 and 1994, conducted by the Minority staff using extensive archival records of the Committee on House Administration, demonstrated that following adoption of a committee policy in 1980 to consider only the expenses of the prevailing party in election contests, the Committee adhered to this policy with nearly complete consistency until losing contestant Robert Dornan was awarded attorney's fees in 1998. The only exception occurred in *Hendon v. Clark*, when an error by the Clerk of the House resulted in a failure to notify contestants of the committee's policy, and the Committee, because of the failure of notice and out of a sense of fairness, considered and awarded attorney's fees to the loser in a contest.

Procedure: The full Committee established task forces for each contested election filed with the Clerk. The task forces analyzed the filings, heard the oral arguments, and recommended disposition of the contested election to the full Committee. The full Committee then took a resolution to the floor disposing of the matter. If attorney fees were subsequently requested, the submitted billings were referred to the task force for evaluation and recommendation to the full Committee. If recommended by the task force, the full Committee considered the recommendation, and the Chairman directed the Clerk to pay authorized expenses from the contingent fund (in this case, out of the Supplies, Materials and Miscellaneous line item in the Legislative Branch Appropriation in effect at the time payment was authorized). Payments were recorded in the Clerks Report for the quarter in which paid.

Policy: Policies such as the "Regulations for Allowances and Expenses" (now the Members Handbook on the MRA), adopted by the Committee, are considered standing policies until changed by the Committee through subsequent action of equal dignity. These standing policies provide continuity and a reasonable foundation for Members and others, who rely on the regularity such policies afford, to plan and execute their activities, obligations, actions and relationships (not unlike the regularity afforded by the Uniform Commercial Code). The Committee adopted a policy for the consideration of attorney fees under the FCEA on September 29, 1976. The Committee subsequently revised its policy at a meeting of the Committee on September 25, 1980 as follows. Note the italic words in the opening paragraph.

COMMITTEE GUIDELINES ON CONTESTED ELECTION EXPENSES

On September 25, 1980, the Committee adopted a motion to consider for payment *only the reasonable expenses of the prevailing party* in any contested election case filed under the Act. The following guidelines and definitions were adopted at that time:

A. The term "Act" means the Federal Contested Elections Act (Section 381 through Section 396 of Title 2 of the United States Code).

B. The term "Committee" means the Committee on House Administration.

C. The term "contested election case" means a contest commencing with the filing of a Notice of Contest pursuant to Section 382 of the Act, and terminating on the date of adoption by the House of a resolution disposing of such contest.

D. The term "reasonable expenses" means expenses reasonably and necessarily incurred in a contested election case, including but not limited to the usual and customary charges in the congressional district for such purposes as service of process, official transcripts, filing fees, duplication costs, in-district travel, and for good cause shown, travel outside such congressional district.

E. The term "reasonable attorneys fees" means the prevailing hourly attorneys fees normally chargeable in the congressional district, or if services are rendered by counsel located in the District of Columbia, the prevailing hourly attorneys fees chargeable therein.

F. Expenses and attorneys fees incurred prior to the filing of the Notice of Contest will not be allowed unless the Committee determines, for good cause shown, that such expenses or attorneys fees were directly related to, and an integral part of the contested election case.

G. There shall be no reimbursement, without prior Committee approval, for the use of professional or expert witnesses, including, but not limited to political consultants, consultants generally, pollsters, investigators, voting machine technicians, and other such persons.

H. The Committee shall not reimburse the expenses of a party to a contested election case for services rendered by any entity or organization in which the party has a pecuniary interest, or in relation to which the party serves as an officer, director, partner, limited partner, trustee, or other similar position. There shall be no reimbursement without prior Committee approval for services rendered by the party.

I. There shall be no reimbursement for legal services provided to a party by more than one attorney or law firm without prior Committee approval. The Committee should be provided with such attorney's name, address, and law firm affiliation, if any, at the time of filing of the original notice or pleading. The Committee shall look to such individual attorney or law firm as bearing full responsibility for the handling of that particular case.

J. The verified application for reimbursement shall include a detailed account of expenses and supporting documents or re-

ceipts, and shall be filed with the Clerk of the House of Representatives within 30 calendar days from the date of adoption by the House of the resolution disposing of the contested election case. An application filed after such period shall preclude the Committee from considering such expenses unless for good cause shown.

K. The Committee shall be the final arbiter of any questions regarding the prevailing party's expenses, and the application of these guidelines.

L. Immediately upon receipt of a Notice of Contest, and no later than 48 hours thereafter, the Clerk of the House of Representatives shall mail a copy of these guidelines to the Contestant and Contestee.

Miscellaneous: Reference is made in the Committee's Activity Report of the 98th Congress to a further review of the Committee's reimbursement policy, and such review resulted in a continuation of the above provisions.

CONTESTED ELECTION EXPENSES REQUESTED AND PAID—92ND CONGRESS TO PRESENT—Continued

Congress	Title	Contestant		Contestee		Report	Date filed	Action	Dated of action
		Request	Received	Request	Received				
103rd	McCuen v. Dickey .....	.....	.....	.....	.....	H. Rept. 103-109	May 25, 1993	Dismissed by H. Res. 182	May 25, 1993.
104th	Anderson v. Rose	0	0	0	0	H. Rept. 104-852	Sept. 26, 1996	Dismissed by H. Res. 538	Sept. 26, 1996.
	Haas v. Bass	0	0	0	0	H. Rept. 104-853	Sept. 26, 1996	Dismissed by H. Res. 539	Sept. 26, 1996.
	Munster v. Geidenson	0	0	0	0	No report issued ..	.....	Challenge withdrawn	Apr. 28, 1995.
	Brooks v. Harman	0	0	0	0	No report issued ..	.....	Challenge withdrawn	July 6, 1995.
105th	Dorman v. Sanchez	453,081.40	320,525.90	402,762.89	252,536.39	.....	.....	Pending (See H. Res. 244) .....	.....

¹ Case did not include state proceedings. Decided by Committee on 8/4/76.
² Case did not include state proceedings. No notice of contest filed by Horne.
³ Fees paid only for attorney fees engendered during House-supervised proceedings. Fees from state recount proceedings disallowed.
⁴ Wilson was a long time eccentric who had attempted to recall Gov. Pat Brown, objected to the appointment of Earl Warren, and in this case, he barraged the Committee with materials, but declined to appear before the elections task force. Wilson sent out nearly a hundred subpoenas which the Committee quashed, and much of his presentation related to the previous election rather than the current one. Wilson lost by more than two to one in the election.
⁵ Case did not include state proceedings. Decided by Committee on 8/4/76.
⁶ Originally reported to be \$6,300, but subsequent research indicated \$6,000.
⁷ Case did not include state proceedings. Adjustment to Ziebarth bill reflected the disallowance of a \$3,000 bill paid to an academician for a study on the likelihood and magnitude of error to be expected in the election vote counting process. Decided by Committee on 8/4/76.
⁸ Case did not include state proceedings. Fees decided by Committee 1/31/78.
⁹ Paul submitted no request for payment of legal bills. The Committee disallowed legal fees attendant to a U.S. Supreme Court brief disallowed legal fees attendant to the state recount proceedings (prior to Notice of Contest), and lowered the hourly rate payable to a third attorney. The Committee did, however, pay for legal fees attendant to state trial court proceedings and State Supreme Court proceedings (post-Notice of Contest). Fees decided by Committee 1/31/78.
¹⁰ The Committee disallowed legal fees attendant to a state court challenge to the validity of absentee ballots for Young (Mikva made no such request). The Committee disallowed personal expenses for Young (Mikva made no such request). The Committee allowed fees for a state court action and allowed fees for recount representation for both.
¹¹ Fees paid for all activities surrounding the recount and election contest. At least ¼ of each fee dealt directly with state related matters prior to the Notice of Contest.
¹² Case did not include state proceedings.
¹³ Case involved a primary election.
¹⁴ Case involved a special election. Case did not include state proceedings.
¹⁵ Tony resigned before the contest was concluded (it involved Democratic primary contestants), so no report was ever filed with the House. The Committee produced a committee print containing the same information which would have been included in a House report.
¹⁶ Case did not include state proceedings.
¹⁷ Case did not include state proceedings.
¹⁸ Case did not include state proceedings.
¹⁹ Case did not include state recount proceedings. Wilson bill was reduced by the cost of unauthorized trips to Washington, DC.
²⁰ The Committee disallowed payment of fees attendant to the state recount proceedings. The Committee disallowed general fees incurred prior to the Notice of Contest.

ADDITIONAL VIEWS

As we wrap up the 105th Congress and begin our ventures anew in the 106th, I would like to thank my Democratic and Republican colleagues for their hard work and perseverance over the past two years. My fifteen years as a member of the Michigan state legislature provided me an extensive background with which to embark on my new journey at the federal level. My Democratic Committee colleagues and staff provided the necessary link to transition rapidly into an active first term at the federal level. The Committee on House Oversight has taught me many inner administrative and political workings of Congress that I may not otherwise have had the opportunity to learn.

Throughout the 105th Congress we have leapt some hurdles together, and simply crashed into others as we realized that coming to an agreement is not so simple as coming to a hearing or markup. We established grounds for various ceremonies throughout the Hill, sorted through the nuances of office equipment and food service contracts, and tread our way through a multitude of inquiries in the contested election of California's 46th Congressional District. While I regret the Committee's decision to indulge former Representative Robert Dornan and spend precious taxpayers dollars investigating the legality of Congresswoman Sanchez' electoral triumph, I am pleased that all questions have been resolved and the 46th District of California continues to be represented as it deserves to be. I am also pleased to have fought hard to strengthen the integrity of our campaign finance system, and look forward to improving the standards in a hopefully bipartisan fashion during the 106th Congress. As we move forward with new agendas, I hope to see allocation of reserve funds and contract agreements to our colleagues in this Congress of our great nation in a balanced, bipartisan manner for real, unanticipated emergencies.

It is my sincere belief that we have more in common than we have that divides us. My one overriding regret in this whole process is the prodigious sum of the people's money that we have wasted in time, energy and money in attempts to reach a compromise. Much to my chagrin, many of our mark-ups, hearings and other Committee business were conducted with information not being available until we entered the Committee hearing room. It is simply folly to expect Members to make important and key decisions while armed with so little information. Oh, of course, the Majority has the votes and can work its will. In the spirit of comity, in the spirit of fairness, in the spirit of the Founding Fathers, I implore the Majority to allow more time for the consideration of the various topics of interest before our Committee. As an experienced legislator and as a fellow American, I am willing to compromise when I am armed with information in enough time to make an intelligent decision. There are no Democratic decisions or Republican deci-

sions—only the right decision. Making the right decision inherently entails having at least a day to review the information before us on the Committee.

We have faced many challenges throughout the 105th Congress. My only regret is that we have such great difficulty coming to agreement on issues that many outsiders would perceive to be purely administrative in nature. Hopefully, we will learn to minimize the politics when all that is needed is administrative maneuvering and understanding. I look forward to working with my Democratic and Republican colleagues and staff during the 106th Congress. I sincerely hope that we have all grown from our experience of the 105th Congress and will work better together on these and other challenges as we enter the next millennium.

CAROLYN C. KILPATRICK.

